



Storm Water Management Plan

Submittal:#2

Prepared for:
Town of Camp Verde



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1. Overview of Storm Water Management Program

1.1. Introduction

Pollution of surface water bodies is a large problem that affects the nation's communities. According to the 1996 National Water Quality Inventory, approximately 40 percent of surveyed U.S. water bodies are impaired and do not meet water quality standards. Polluted storm water runoff is believed to be one of the leading sources of this contamination. In response to concern over the pollution in America's waterways, Congress passed the Clean Water Act (CWA) in 1972. The CWA is the primary federal law that protects our waters. Polluted storm water runoff was addressed specifically under the CWA by a two-phase program that relies on the National Pollutant Discharge Elimination System (NPDES) permit coverage. The two phases of the NPDES storm water program are known as Phase I and Phase II.

In 1990 the Environmental Protection Agency (EPA) implemented Phase I of the NPDES storm water program, under the CWA. Phase I of the storm water program addresses the prevention of pollution from storm water runoff from three main categories:

- (1) "medium" and "large" municipal separate storm sewer systems (MS4s) serving populations over 100,000,
- (2) construction activities disturbing 5 acres of land or greater,
- (3) 10 specific categories of industrial activities.

In order to expand the protection of water bodies and promote cleaner water, the Phase II Final Rule was published in 40 CFR on December 8, 1999. This rule extends the NPDES permit coverage to include small MS4s serving urbanized areas (those serving populations less than 100,000), as well as construction sites from 1 to 5 acres. Additional cities have been designated for permitting by ADEQ according to a designation criteria based on factors such as population, population growth, density, proximity to unique and impaired waters, tourism impacts, sensitive habitat, receiving water use, etc. The Town of Camp Verde was designated by ADEQ as fitting within the designation criteria. The submittal deadline for the Town of Camp Verde is December 12, 2003.

The goals of the Phase II program are similar to the Phase I program, which are to reduce the discharge of pollutants to the maximum extent practicable (MEP), protect water quality, and satisfy the water quality requirements of the Clean Water Act. In order to facilitate the development of the Phase II program, six measures have been defined by the EPA, which when addressed, are believed to reduce the discharge of pollutants. These six measures are known as the six minimum control measures. The specific methods of addressing these six minimum control measures, through the selection of appropriate Best Management Practices (BMPs), have been tailored to the unique conditions found in the Town of Camp Verde.

This Storm Water Management Plan (SWMP) has been developed by the Town of Camp Verde in order to fulfill the requirements for compliance with the NPDES Phase II storm water permit application. This SWMP addresses the six minimum control measures established by the EPA:



1. Public education and outreach on storm water impacts
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post-construction storm water management in new development/redevelopment
6. Pollution prevention/good housekeeping for municipal operations

For each of the six measures outlined above, this SWMP identifies the BMPs that will be implemented by the Town of Camp Verde. Each of the BMPs adopted in this plan are accompanied by measurable goals in order to assess their effectiveness and level of implementation. An implementation schedule is provided for each of the BMPs, as well as the names of those persons within the Town who will be responsible for implementing them.

The intent of this SWMP, when implemented is to reduce the discharge of pollutants from the Town of Camp Verde municipal separate storm sewer system (MS4) to the "maximum extent practicable" (MEP). The Town of Camp Verde will be responsible for the administration and implementation of this SWMP and will also review BMPs used at construction sites within the Town.

In order to assess the effectiveness of their SWMP, as well as comply with the legal requirements of the program, the Town of Camp Verde will be submitting an annual report each year during the first 5-year permit term. This annual report will provide an update on the progress that the Town is making in fulfilling their measurable goals. A detailed inventory of each BMP, progress on associated measurable goals, as well as a schedule of implementation will be provided.

1.2. Organization of SWMP

This SWMP is divided into eight sections with associated appendices, as applicable. The sections are briefly described below:

Section 1. Overview of Storm Water Management Plan – Background information on the requirements of the NPDES system and the organization of the SWMP.

Section 2. Program Management – The goals of the Town's storm water program, the responsibilities of the Town, developers, corporations and individuals, and the legal authority and enforcement options available to the Town.

Section 3. Public Education and Outreach – The purpose of this program is to disseminate information, on the importance of clean storm water runoff, to the general public and targeted business sectors. In addition, the efforts that the Town will put forth to reach minority residents are defined.

Section 4. Public Participation and Involvement – One of the keys to a successful storm water pollution prevention program is recruiting strong public



participation. This section outlines the Town's objectives for involving the public in the program, and how they intend to involve the public during its implementation.

Section 5. Illicit Discharge Detection and Elimination – This section describes the Town's program for prohibiting non-storm water discharges into the MS4. The methods for detecting non-storm water discharges, and the education of the public with concentration on target sectors of industry about the hazards of illegal dumping are addressed.

Section 6. Construction Site Storm Water Runoff Control – The program set forth by the Town to reduce polluted storm water runoff from construction sites one acre to five acres is described, and the procedures for review, inspection, and enforcement are set forth.

Section 7. Post-Construction Runoff Control – This section identifies programs to be carried out by the Town to reduce pollution from post-construction and redevelopment areas, including both structural and nonstructural BMPs, maintenance of infrastructure, and enforcement of regulations. This section addresses both residential and commercial construction.

Section 8. Pollution Prevention / Good Housekeeping – The Town's program for reducing pollution from routine municipal operations is contained in this section. This section also outlines the Town's employee training programs for storm water pollution prevention.

Some sections may have one or more appendices in support of the material presented in the text. The appendices will also include the forms needed to comply with the small construction general permit.

1.3. Permit, Laws, and Regulations

The Town of Camp Verde is required to submit an AZPDES permit application to the ADEQ for the discharge of storm water from the MS4, in accordance with the requirements of the Phase II Final Rule adopted on December 8, 1999. The Town of Camp Verde is designated as the operator of a *designated small MS4* as defined in the designation criteria. Two of the Town of Camp Verde's receiving waters, Verde River and Beaver Creek are included in the following designation criteria:

- (1) Stormwater discharge is likely to flow into critical habitat for any plant or animal species or occur near a threatened or endangered population;
- (2) Receiving water is used for drinking water or recreation;
- (3) Receiving water is a wild and scenic river or a proposed wild and scenic river;

On December 8, 1999 the EPA published the regulation entitled "National Pollutant Discharge Elimination System-Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges". This new rule requires that specific permitting provisions be enacted for certain MS4s and construction activities. An AZPDES permit is required if storm water is to be discharged from any of the following:

- (1) regulated small MS4s or Municipal Operations sites;



- (2) construction sites of 1 to 5 acres;
- (3) industrial sites with selected Standard Industrial Classifications (SIC) codes that do not meet the Phase II conditional no exposure certification.

Construction sites greater than 5 acres in size are already covered under the Phase I storm water regulations. The Phase II regulations extended this coverage to construction sites one acre and larger.

Application for coverage under the Construction General Permit requires the completion of a two-page form called a Notice of Intent (NOI), which certifies that the applicant will comply with the permit conditions. Before the NOI is submitted (to the Town and the ADEQ), a Storm Water Pollution Prevention Plan (SWPPP) must be prepared. The Construction General Permit contains the requirements, which the ADEQ considers necessary to produce an acceptable SWPPP. Additional information relative to compliance with the Construction General Permit is provided in Section 6 of this SWMP.

1.4. Facilities Covered

This SWMP covers discharges from the facilities located within the boundaries of the Town of Camp Verde that are not covered under a Phase I permit. Individuals, corporations, utilities, and other governmental agencies conduct activities within the Town boundary. Storm water discharges in the Town's MS4 are also discussed in this SWMP.

This SWMP will be updated periodically by the Town in a continuing effort to maintain a state-of-the-art storm water quality management program. Minor updates will occur at the staff level and will consist of bookkeeping matters, such as changes in who is responsible for a specific BMP, etc. Major updates will include changes in the SWMP such as the implementation of new BMPs or the discontinuance of ineffective ones, policy changes, etc.

1.5. Small MS4 General Permit

The Arizona Department of Environmental Quality (ADEQ) has received primacy for the NPDES storm water programs within the State of Arizona. The Town of Camp Verde will be submitting their application for coverage under the Phase II NPDES storm water program to the ADEQ. ADEQ will then serve as the permitting authority for the Town of Camp Verde. Documentation regarding the Phase II program, such as a copy of the small MS4 storm water general permit, is provided in Appendix A Small MS4 Documents.



2. Program Management

2.1. Overview

In order to assist the Town in complying with the goals of the NPDES Phase II Final Rule, as set forth under the Clean Water Act, this Storm Water Management Plan (SWMP) has been developed. This plan will be implemented on an ongoing basis and will be updated and refined at least once every 5 years. This section describes the overall objectives of the Town's SWMP, some of the local issues specific to the Town's receiving waters, departmental implementation of the SWMP, and an overview of the legal authority to implement and enforce the program.

The mission of the Town is to promote a healthy and stable environment with a good quality of life for its citizens. As part of the Town's responsibility for the oversight of the design, construction, and maintenance of public and private infrastructure, the implementation of the SWMP will assist in fulfilling the Town's mission.

2.2. Goals and Policy

The goal of Camp Verde's storm water program is the protection of its water resources through compliance with the Clean Water Act's NPDES Phase II requirements. As such, this program has been designed to aid in accomplishing this goal. The Town of Camp Verde's storm water program is based on the six minimum control measures established by the EPA's Phase II final rule.

The objectives of the SWMP are to:

- Remain in compliance with environmental laws and regulations and remain compatible with other programs within the Town;
- Implement cost effective Best Management Practices (BMPs) that provide water quality benefits; and
- Control pollutants that may adversely impact Camp Verde's receiving waters (Verde River, Beaver Creek, and West Clear Creek).

The Town's storm water program is based on a set of six minimum control measures, established by the EPA, which have been designed to protect the Nation's waters by reducing polluted storm water runoff. The implementation of the six minimum control measures specified in the Phase II requirements, and listed herein, will support these objectives through Town Policy.

These six categories are:

1. Public education and outreach on storm water impacts
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post-construction storm water management in new development/redevelopment
6. Pollution prevention/good housekeeping for municipal operations



The Town also recognizes the importance of the watershed approach in improving water quality, and has begun working with neighboring jurisdictions in Yavapai County through the Water Advisory Committee.

2.3. Discussion of Local Receiving Waters

The Town of Camp Verde is located within the Verde River Watershed. The primary receiving waters for Camp Verde’s runoff are three perennial watercourses. These watercourses are: (1) Verde River; (2) Beaver Creek; and (3) West Clear Creek. The ultimate receiving water for the Town’s discharge is the Verde River. A TMDL (Total Maximum Daily Load) for turbidity has been determined for various segments of the Verde River. As a condition of discharging to the river system, the Town of Camp Verde must maintain the designated beneficial uses, which are listed in Table 2-1.

Table 2-1 Beneficial Uses of Receiving Waters in Camp Verde

Receiving Water	Designated Beneficial Use
Verde River <i>Oak Creek – Beaver Creek</i>	Aquatic and Wildlife Warmwater Fishery Fish Consumption Full Body Contact Agricultural Irrigation Agricultural Livestock Watering
Verde River <i>15060203 – West Clear Creek</i>	Aquatic and Wildlife Warmwater Fishery Fish Consumption Full Body Contact Agricultural Irrigation Agricultural Livestock Watering
Beaver Creek <i>Dry Beaver Creek – Verde River</i>	Aquatic and Wildlife Coldwater Fishery Fish Consumption Full Body Contact Agricultural Livestock Watering

The Town of Camp Verde encompasses approximately 46 square miles. This SWMP has been designed to cover all storm water runoff and discharges located within the Town’s boundaries. While much of the Town of Camp Verde is currently undeveloped, this area will likely experience growth in the future. This SWMP was developed to serve as a comprehensive management tool to help maintain storm water quality throughout the entire town.

The Town of Camp Verde receives an average of 13 inches of rain per year with most rain falling in the summer months. Flow in the major conveyances are perennial, although dry weather flow may be present in portions of the tributaries to the major conveyances.

2.4. Storm Water Management Responsibilities

The storm water management program will be implemented by existing Town of Camp Verde departments. The departments within the Town that will be responsible for implementing the program are outlined below. As discussed in the general permit developed by the State of Arizona, the name and title of the responsible person must be listed for each BMP. Throughout this SWMP, the department responsible for each BMP is identified. The person responsible for ensuring the implementation of the BMPs



assigned to each department is outlined in Table 2-2 Responsible Departments and Parties. This document is meant to be a living document, and as departments or personnel change within the Town, this table will be updated accordingly.

Table 2-2 Responsible Departments and Parties

Department	Responsible Party
Legal Department	Bill Sims Town Attorney
Community Development	Nancy Buckle Community Development Director
Streets Department	Ron Long City Engineer

2.5. Legal Authority and Enforcement

The Town has established the legal authority to enforce the provisions of this SWMP in accordance with the NPDES permit. Legal Authority will be provided to the Town by the Camp Verde Town Code and through the Arizona Revised Statutes (ARS).

The Town is also granted specific powers by the ARS for control of storm water quality:

- **ARS § 9-276(A)** - The Town is authorized to regulate and prevent the throwing of offensive material in and prevent injury to any street, way, alley or public grounds; provide for the cleaning and purification of waters, watercourses and canals, and the draining or filling of ponds on private property when necessary to prevent or abate nuisances; regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; and define nuisances, abate them, and impose fines upon persons creating or continuing nuisances.
- **ARS § 9-461.05(D)(1)** – The Town is responsible for preparing a general plan to guide land use regulation within the Town; this includes Town zoning ordinances to control the uses of land which may contribute to the contamination of storm water runoff.
- **ARS § 11-952** – The Town may enter into an intergovernmental agreement for services or joint/cooperative action. The Town may consider an intergovernmental agreement for the management of storm water leaving state freeways that are within the jurisdiction of the Arizona Department of Transportation (ADOT). The Town may also enter into intergovernmental agreement with neighboring cities and/or Yavapai County to provide for an integrated storm water collection and regulation program.
- **ARS § 13-1602(A)(1)** – To prevent pollution of storm water, the Town may invoke general state criminal laws that provide for the punishment of misdemeanors. These include criminal damage to property and criminal littering or polluting.
- **ARS § 13-1603(A)(1) and (2)** – Since the Town owns a majority of the storm water collection system within Camp Verde, certain activities that pollute the



storm water collection system may constitute criminal damage to Town property. The Town can prevent unlawful disposal of materials on public property, e.g., the storm water collection system, or the discharge of any sewage, oil products or other harmful substances into any waters of the State of Arizona (State) that lie within the jurisdiction of the Town.

- **ARS § 49-107** – The Town can receive a delegation of authority from the Arizona Department of Environmental Quality (ADEQ) for permitting, inspecting, monitoring, and enforcing some of ADEQ's programs.
- **ARS § 49-141(6)** – The pollution of domestic water is specifically defined as an environmental nuisance.
- **ARS § 49-143** – The Town may issue abatement orders requiring owners or occupants of private property on which an environmental nuisance exists to remove the nuisance.
- **ARS § 49-144** – The Town is authorized to enter premises for inspection or abatement of an environmental nuisance.



3. Public Education and Outreach

3.1. Overview

According to the Phase II regulations, the first minimum control measure which must be addressed is public education and outreach on storm water impacts. The regulatory text for this minimum control measure states:

...operators of small MS4s must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps to reduce storm water pollution. The public education program should inform individuals and households about the problem and the steps they can take to reduce or prevent storm water pollution.

In order to comply with this minimum control measure, the Town of Camp Verde must implement a public education program or conduct equivalent outreach activities to inform the public about storm water pollution issues. Implementing a comprehensive storm water management information campaign is believed to have a significant effect on the public acceptance of the storm water program, as well as reducing the actual impact of storm water pollution.

An informed public is essential to a successful storm water management program. It is believed that when the public is informed, greater support for the program will exist, which may significantly aid the Town both in recruiting volunteers to help with the program and in implementing a new funding initiative. In addition, when the public becomes informed of the importance of storm water pollution prevention, greater compliance with the goals of the program will be found, and a reduced pollutant load will reach the area's watercourses.

Developing a public education program for storm water runoff in the southwestern United States provides a unique challenge not faced by communities in other parts of the nation. The Town of Camp Verde receives an average rainfall of twelve inches per year. When such a small amount of rainfall is received, storm water runoff is seldom a subject of public concern. With this challenge constantly present, the Town of Camp Verde must develop an informative and effective information campaign. Not only is it important that this campaign educate the public regarding ways to reduce storm water pollution, but that it also inform the public of how this pollution affects them.

One of the key factors in developing a successful storm water public information and outreach program is identifying the target audiences, their corresponding level of interest, and their potential for involvement. Many different target audiences exist within the Town of Camp Verde. In order to meet the requirements for this minimum control measure, the Town of Camp Verde has identified these different groups, and the methods that should be used to address each of them. The target audiences within the Town of Camp Verde include:



- Town of Camp Verde Residents including Minority Residents
- Residents of the Yavapai-Apache Nation
- Developers
- Town Staff

The public education campaign that will be developed by the Town of Camp Verde is designed to educate and inform these select audiences. This campaign will be used to inform these groups about the importance of pollution prevention and maintaining clean storm water runoff, as well as to inform the various audiences of their responsibilities regarding the Phase II program.

The Town will meet the goals established under the public education and outreach measure by implementing a comprehensive educational program as set forth in this SWMP. Camp Verde will strive to reach a diverse cross-section of citizens by implementing Best Management Practices (BMPs) that target minority residents in addition to the other targeted audiences. The disseminated information will be applicable to those sectors of society that the Town feels can do the most to reduce storm water pollution.

3.2. Target Audiences

Different groups of people, with varying interests, beliefs, and concerns, make up the population of the Town of Camp Verde. These different groups of people all have varying effects on the storm water runoff quality. The Town will strive to optimize its public education and outreach program by targeting specific audiences within the Town that have the most potential for reducing storm water pollution. Each of the target audiences is described below. Additionally, the reason they have been identified as a group that can have a significant effect on reducing storm water pollution is included.

The audiences, which the Town plans on targeting with their information campaign, include Residents, Developers, and Town Staff. These audiences have been selected since they possess the largest potential for reducing storm water pollution. Additionally, they are also the groups most likely to be affected by the implementation of the Phase II regulations. For these reasons, each of these target audiences must be specifically educated about the Phase II program, and storm water pollution in general.

3.2.1. Residents

The primary developed land use within the Town of Camp Verde is residential housing. Consequently, the residential audience comprises the largest audience for the Town's storm water program. Residents within the Town of Camp Verde are one of the most important groups that must be targeted. Providing sufficient information to the Town's residents will help to educate them regarding the importance of the storm water program, as well as the legal requirements for the implementation of the program. Educating the residential public early on in the development of a storm water management program is believed to result in greater acceptance and compliance with the requirements of the program. Additionally, the residential population typically generates the largest pool of volunteers.



Various methods must be implemented in order to reach a greater portion of the Town's residents. Homeowners have a large impact on the effectiveness of a storm water management program. They will pay a significant cost of the storm water program, whether it is through a storm water utility fee, increased taxes, or a reduction in other vital services. In addition to shouldering many of the costs that must be met when implementing a storm water program, homeowners are also more likely to be willing to volunteer. Additionally, once homeowners are educated, they will be more likely to notice an illegal discharge to the storm drain system and be willing to report it.

In order to develop a well-rounded public education program, the Town of Camp Verde is also striving to include their minority residents in the public education and outreach program. For example, a bilingual version of a storm water information flyer may be prepared by the Town to inform additional residents.

The Town will inform their residents of the importance of preventing stormwater pollution. The Town will print 50 flyers a year to distribute to their residents. In addition information on the stormwater program will be made available through the Town's website. The Town believes that this program will help reduce stormwater pollution.

3.2.2. Yavapai Apache Nation

The Town of Camp Verde surrounds land owned by the Yavapai Apache Nation. Storm water from the Yavapai Apache Nation drains through the Town of Camp Verde. As a result the Town has decided to include residents of the Yavapai Apache Nation in their public education as much as possible. In addition, the Town will pursue the feasibility of an Intergovernmental Agreement to address storm water issues between the Town of Camp Verde and the Yavapai Apache Nation.

3.2.3. Developers

Under the Phase II Final Rule, various new development requirements will now be mandatory on all construction projects from one to five acres, as well as smaller projects that are a part of a larger common development. The Town will strive to provide adequate information to all the developers that start a new development within the Town. This information will outline the necessity of complying with these requirements, including the punitive actions that can be taken by various agencies if compliance is not forthcoming. It is believed that by providing adequate information, the Town will help ensure that the developers will be both better able and more likely to comply with these new regulations.

3.2.4. Town Staff

Another key group that will be targeted for the public education and outreach program is the Town's staff. The Town will target the departments that will benefit by reducing stormwater pollution. These departments include the facility maintenance and Park and Recreation department, the street department, and the community development department. They will receive information and training specific to the tasks on which they work. A detailed description of the Town's plan for Town staff is described in Section 8.



3.3. Public Education Program

In order to effectively communicate the importance of clean water and preventing storm water pollution, the Town of Camp Verde has designed a public education campaign. This campaign will target residents and Town staff. The Town will strive to maintain clean water by informing their citizens of the importance of clean storm water runoff. The Town will provide a constant message through such measures as distributing flyers containing storm water facts and information, creating a website dedicated to maintaining clean storm water, and publishing an article in the Town newspaper once a year. This well-rounded approach to informing the public will help improve the quality of the Town's storm water by letting the citizens of Camp Verde know that they can and need to help maintain water quality. The Town's public education goal is to communicate with as many citizens as possible.

The Best Management Practices that the Town will be implementing are outlined below. A description of the purpose of the selected BMPs along with their target audience is also provided.

3.4. Selected BMPs

As described earlier in this document, the Phase II Rule contains few specific requirements for storm water management. Instead, each operator of an MS4 is required to develop Best Management Practices (BMPs) that will provide the most benefit for their specific area. Under this method, each MS4 operator will be able to tailor a Storm Water Management Program to the specific problems and conditions with which they are faced. The Town of Camp Verde has selected the following BMPs which they feel will provide the greatest benefit in meeting the Public Education and Outreach minimum control measure. The selected BMPs are shown in Table 3-1 Selected BMPs for Public Education Measure. A detailed description of each of the BMPs, along with a description of how it will help to meet the Town's goals, is also provided.

Table 3-1 Selected BMPs for Public Education Measure

BMP	Responsible Party*
Storm Water Pollution Prevention Brochure	Community Development
Bilingual Storm Water Pollution Prevention Brochure	Community Development
Storm Water Website	Community Development
Advertise for Camp Verde Fire household hazardous waste collection day	Community Development
Publish an article in Town newspaper once a year on Storm Water	Community Development

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.

3.4.1. Storm Water Pollution Prevention Brochure

One of the fundamental purposes of the Public Education and Outreach minimum control measure is to better inform the public about both the effects of polluted storm



water runoff and the need to reduce storm water pollution. As discussed earlier in this section, the Town of Camp Verde faces a unique challenge in this aspect. Due to the minimal amount of storm water that is received in the Town each year and the general arid nature of the southwest, storm water runoff is not a topic that is in the forefront of the Town of Camp Verde's residents' minds. In order to educate and inform residents about storm water runoff, as well as pollution prevention, the Town of Camp Verde will be developing an informational brochure.

This storm water brochure will be general in nature. The brochure will provide interesting and informative tips regarding storm water runoff, water pollution, and various measures that residents can take to reduce storm water pollution. The brochure that is developed will be tailored to address the issues and concerns of Camp Verde's residents. The brochure will address pollutants such as motor oil, pet waste, and waste from other residential and commercial activities.

The Town of Camp Verde will also strive to include its minority residents in its storm water information campaign. One way the Town of Camp Verde intends to include these residents is through the development of a bilingual brochure. The Town will translate the storm water brochure, which has been developed, into other languages as deemed appropriate. The Town will then make this brochure available.

Once the information brochure is developed, the Town of Camp Verde will make the brochure available to Town residents. The Town intends to distribute this flyer by placing them in public places such as the Town buildings and the library.

Specific actions that will occur under this BMP include:

- Developing a storm water pollution prevention flyer
- Developing a bilingual storm water pollution prevention flyer
- Distributing the storm water pollution prevention flyer

3.4.2. Storm Water Website

The Town currently has a website that contains information about the Town, its departments, and programs. Developing a website has been found to be a cost-effective method of sharing information with the public. As part of the Town's SWMP, the web page will be developed dealing specifically with Storm Water Quality Protection. A user be able to view the Storm Water Quality Protection website directly from the Town's homepage. The Storm Water Quality Protection website will include information such as:

- Importance of storm water quality
- Pollution Prevention Tips
- Hazardous Waste Identification Information
- Water Conservation Tips
- Storm Water Complaint Form
- Storm Water Brochure (in English and Spanish)
- Camp Verde Storm Water Management Plan
- Contact Information



The Town's website is located at <http://www.cvaz.org/>. One advantage of the Town's website is that a resident can search for specific information at any time.

The Town of Camp Verde will utilize the Town's web page to disseminate information about their storm water pollution prevention plan. It is envisioned that this web page will have information for residents and developers. Each specific audience will be able to access information that has been specifically tailored to their concerns.

Specific actions that will occur under this BMP include:

- Develop a storm water pollution prevention website which is linked to the Town's homepage and update website as necessary.

3.4.3. Proper Disposal of Hazardous Wastes

Many items commonly found in homes can be classified as hazardous wastes. Household hazardous wastes generally take the form of household cleaners, paints, motor oil, paint thinner, bug killers, etc. Sanitary municipal landfills typically are not designed to handle these types of chemicals, and contamination can occur by disposing of these materials in a storm drain. Due to the potential environmental contamination of these products, the Town of Camp Verde will advertise for the Camp Verde Fire hazardous waste collection program.

The Town of Camp Verde will advertise the Camp Verde Fire hazardous waste collection program two ways:

- On the Town of Camp Verde website
- Through a newspaper ad

One of the key tasks in implementing a successful hazardous waste pickup is to provide adequate advertising of the event. This will be accomplished through announcements in the newspaper and on the Town's website.

Specific actions that will occur under this BMP include:

- Advertising the Camp Verde Fire hazardous waste collection information

3.4.4. Storm Water Article

The Town of Camp Verde has a monthly comment page in the town newspaper. Once a year the town will publish an article relating to storm water management practices to reinforce its importance to the residents of the Town of Camp Verde.

Specific actions that will occur under this BMP include:

- Publish an article on storm water management in town newspaper



3.5. Implementation Goals

As was described earlier in this SWMP, the Town of Camp Verde is responsible for tracking their progress on the SWMP through the development of measurable goals. These measurable goals must include specific actions that will aid the Town in establishing and implementing the BMPs outlined in this section. The actions, which have been established for these measurable goals, must also include a specific time frame within which they will be accomplished.

In order to track the Town's progress on the implementation of their selected BMPs, the Town of Camp Verde has defined specific measurable goals. The Town will strive to implement these programs within the time frame specified. Table 3-2 Measurable Goals For Public Education Measure provides an outline of the actions that the Town plans to take, as well as the time frame by which the goals will be completed. In the Town's annual reports, an accounting will be made of the progress and implementation of the selected BMPs. Where feasible, readily quantifiable data will be collected and maintained for each of the BMPs. For example, the number of flyers distributed will be reported. The name and title of the person responsible for ensuring the implementation of each of the BMPs is listed by department in Table 2-2 Responsible Departments and Parties.

Table 3-2 Measurable Goals For Public Education Measure

Measurable Goal	Permit Year				Start Date	End Date	Responsible Party*
	04	05	06	07			
Storm Water Pollution Prevention Brochure							
Develop a storm water pollution prevention flyer	X	X			12/03	6/05	Community Development
Develop a bilingual storm water flyer		X			7/04	6/05	
Distributing the storm water flyer in town buildings & library			X	X	7/05	12/07	
Storm Water Website							
Develop storm water website linked to the Town's website and update as necessary	X	X	X	X	12/03	12/07	Community Development
Proper Disposal of Household Hazardous Waste							
Advertise for Camp Verde Fire hazardous waste collection	X	X	X	X	12/03	12/07	Community Development
Storm Water Article							
Publish a storm water management article in the Town newspaper once a year	X	X	X	X	12/03	12/07	Community Development

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.



4. Public Participation/Involvement

4.1. Overview

The Town believes that many benefits will be realized through the recruitment and involvement of the public in their storm water program. The Town of Camp Verde will strive to prevent polluting storm water runoff within the Town through actively involving the public in their pollution prevention campaign.

The EPA mandates to seek the active participation and involvement of the public. The EPA recommends that the public participation program should reach out to all economic and ethnic groups within a municipality, in order to include as many people as possible.

The Town of Camp Verde will make a copy of the SWMP available for review at the town offices. For convenience, interested parties will be able to view the SWMP and NOI from the Town's website. A stormwater brochure will be also available through the Town's website in English and Spanish to involved more residents. The detail information for this brochure is included in Section 3.4.1.

This chapter describes the BMPs that the Town has selected to implement. These BMPs have been specifically tailored to promote public participation and involvement within the Town's storm water program.

4.2. Selected BMPs

The Town of Camp Verde has selected the following BMPs to implement the Public Participation/Involvement measure. The BMPs that the Town of Camp Verde has selected are shown in Table 4-1 Selected BMPs for Public Involvement/Participation. A detailed description of each of the BMPs, along with a description of how it will help to meet the Town's goals, is also provided.

Table 4-1 Selected BMPs for Public Involvement/Participation

BMP	Responsible Party*
Community Storm Water Hotline and Complaint Form	Street Department
Public Volunteer Activity	Street Department
Watershed Organization	Community Development

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.

4.2.1. Community Storm Water Hotline and Complaint Form

The Town of Camp Verde will be implementing a community hotline and a complaint form to aid in preventing storm water pollution. The hotline and the complaint form will provide a method through which Camp Verde's residents may report illegal dumping into storm drains, rivers, creeks, dry weather discharges from storm drain outfalls, or other



instances of storm water pollution. Specifically, residents will be encouraged to report the following types of information:

- Leaking or blocked sanitary sewer lines
- Dry weather discharges that appear contaminated
- Malfunctioning septic systems
- Silt and sediment runoff from poorly controlled construction sites
- Vehicles that are leaking fluids
- Use of oil as weed control
- Dumping of chemicals and any other spills
- Improper use of fertilizers and pesticides

The complaint form will be posted on the Town's Stormwater Management website. A resident can fill out the complaint form and mail or fax it to the street department and the complain form will include the procedure of submitting the form.

Once a storm water violation has been reported to the Town, the Town's street inspector will receive the information. The street inspector will then go to the site to investigate any potential pollutant. If a storm water violation was found, it will be documented and cited as outlined in the stormwater ordinance.

Specific actions that will occur under this BMP include:

- Developing a storm water hotline
- Developing a complaint form
- Establish a response procedure for complaints
- Maintain storm water hotline

4.2.2. Public Volunteer Activity

The Town believes that public volunteer activities will help residents to understand the storm water program. The City will seek for volunteer organizations who will participate in Adopt-A-Road program. All participating organizations will clean one mile of road in the Town at least twice a year to pick up trash and debris which can cause stormwater pollution.

The Town will provide loaders, trucks, and other equipments that can be operated by a Town's employee for this program. Any resident regardless of economic and ethic groups and age, can participate in this program.

Specific actions that will occur under this BMP include:

- Develop an Adopt-A-Road program
- Help and support participated organizations for the Adopt-A-Road program
- Clean two road miles at least twice a year.



4.2.3. Watershed Organization

By participating in a watershed organization, the resources of many smaller entities can be combined in order to create a stronger, more effective organization. This pooling of resources allows cities and towns to present a more effective message, while investing fewer of their resources. Additionally, a consistent message will be presented across the entire watershed area.

The Town of Camp Verde has been actively participating in the Yavapai County Water Advisory Committee (WAC). This watershed organization reviews water issues of a regional nature that could be brought to the committee by the Verde Watershed Association, The Groundwater Users' Advisory Council of the Prescott AMA, other water-related organizations or individuals. This committee reports its findings and recommendation to the Board of Supervisors.

Specific actions that will occur under this BMP include:

- Actively participate in the Yavapai County Water Advisory Committee

4.3. Implementation Goals

The Town of Camp Verde is responsible for tracking their progress on the SWMP through the development of measurable goals. These measurable goals must include specific actions that will aid the Town in establishing and implementing the BMPs outlined in this section. The actions, which have been established for these measurable goals, must also include a specific time frame within which they will be accomplished.

In order to track the Town's progress on the implementation of their selected BMPs, the Town of Camp Verde has defined specific measurable goals. The Town will strive to implement these programs within the time frame specified.



Table 4-2 Measurable Goals for Public Participation/Involvement Measure provides an outline of the actions that the Town plans to take, as well as the time frame by which the goals will be completed. In the Town's annual reports, an accounting will be made of the progress and implementation of the selected BMPs. Where feasible, readily quantifiable data will be collected and maintained for each of the BMPs. The name and title of the person responsible for ensuring the implementation of each of the BMPs is listed by department in Table 2-2 Responsible Departments and Parties.



Table 4-2 Measurable Goals for Public Participation/Involvement Measure

Measurable Goal	Permit Year					Start Date	End Date	Responsible Party*
	04	05	06	07	08			
Community Environmental Hotline								
Develop a storm water hotline		X				7/04	6/05	Street Department
Develop a complaint form		X				7/04	6/05	
Establish a response procedure for complaints		X				7/04	6/05	
Maintain hotline			X	X	X	7/06	12/07	
Public Volunteer Activity								
Develop an Adopt-A-Road program	X					12/03	6/04	Street Department
Help and support participated organizations for the Adopt-A-Road program		X	X	X	X	7/04	12/07	
Clean two road miles at least twice a year.		X	X	X	X	7/04	12/07	
Watershed Organization								
Participate in Yavapai County WAC	X	X	X	X	X	12/03	12/07	Community Development

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.



5. Illicit Discharge Detection and Elimination

5.1. Overview

The third minimum control measure mandated by the EPA includes developing a plan to detect and address illicit and non-storm water discharges to storm drain systems. The regulatory text for the third minimum control measure is very specific and states:

- *...develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)).*
- *Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;*
- *To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm drain system and implement appropriate enforcement procedures and actions*

(C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping; and

(D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

- *... address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).*

ADEQ recommends four components to the illicit discharge detection and elimination plan:

- Procedures for locating priority areas likely to have illicit discharges;
- Procedures for tracing the source of an illicit discharge;
- Procedures for removing the source of the discharge; and
- Procedures for program evaluation and assessment.



ADEQ further recommends visual screening of outfalls during dry weather. Educational efforts are also recommended, including storm drain marking and a program to publicize and facilitate public reporting of illicit connections and discharges (see Chapter 4).

This chapter will describe the BMPs that the Town has selected to institute this control measure. These BMPs have been specifically tailored to facilitate the detection and elimination of illicit discharges to the Town’s storm water drainage system.

5.2. Selected BMPs

The Town of Camp Verde has selected the following BMPs to implement the Illicit Discharge Detection and Elimination minimum control measure. The BMPs that the Town of Camp Verde has selected are shown in Table 5-1 BMPs for Illicit Discharge Detection and Elimination. A detailed description of each of the BMPs, along with a description of how it will help meet the Town’s goals, is also provided.

Table 5-1 BMPs for Illicit Discharge Detection and Elimination

BMP	Responsible Party*
Identifying Illicit Discharge	Street Department
Map Storm Drainage System	Community Development
Illegal Dumping/Illicit Discharge Ordinance	Legal Department
Illegal Dumping	Community Development
Storm Drains Markers	Street Department

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.

5.2.1. Identify Illicit Discharge

Any discharge that is not composed entirely of storm water or authorized non-storm water and that is conveyed to the storm drain system or to a water body is considered an illicit discharge.

The Town will allow the non-permitted discharges outlined in Part I, Section C.2 and Part V, Section B.3.a.ii of the Arizona Department of Environmental Quality’s *General Permit for Discharge from the Small Municipal Separate Storm Sewer Systems to Waters of the United States*. Allowable non-storm water discharges outlined in the general permit and allowed by the Town include:

- Fire Fighting
- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration
- Uncontaminated pumped groundwater
- Discharges from potable water sources
- Foundation drains
- Air conditions condensate
- Irrigation water
- Springs



- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Discharges from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Charity wash water
- Discharges or flows from emergency fire fighting activities

These discharges are not considered pollutants to the MS4.

The Town of Camp Verde will use the following methods to identify and correct illicit discharges:

- Locating existing illicit discharges to the municipal storm drain system or local waters using storm drain monitoring, which includes visual inspection in order to identify potential discharge sources and review of pipeline schematics.
- Documenting the testing and elimination of illicit discharges, including recording the location, the date of testing, and the method used to remove illicit discharges.
- Field inspection and documentation of outfalls is anticipated to occur as follows:
 - Beginning in year four, 50% of all outfalls will be visually inspected each year with the entire system screened at the end of the five year period.
 - If dry weather flow is observed, the Town of Camp Verde will investigate the illicit discharge within 15 days of its detection. If the source cannot be determined and samples are required the proper agencies will be notified and samples will be taken, as appropriate.
 - If a discharge is determined to be hazardous, the Camp Verde Fire will mitigate the emergency and a hazardous waste contractor will remediate the site.
 - If a discharge is not hazardous and found to be illicit, the Town will begin enforcement procedures.
- Requiring thorough inspection and verification during the entire construction phase of new developments in order to prevent the establishment of new illicit connections.
- Utilizing the community hotline or the complaint form for citizen reporting of incidences of illicit discharges (see Chapter 4).

Specific actions that will occur under this BMP include:



- Establishing a plan to identify and remove illicit discharges
- Establishing an inspection procedure for new developments to prevent illicit discharges
- Establish a response procedure for complaints

5.2.2. Map Storm Drain System

The Town of Camp Verde will map their storm drain system and identify all outfalls to the Verde River, Beaver Creek, and West Clear Creek based on the Town's best knowledge, and field investigation.

5.2.3. Illegal Dumping/Illicit Discharge Ordinance

The Town of Camp Verde will be developing a Town ordinance that gives them the enforcement powers to prohibit non-storm water discharges into the storm sewer system and perennial watercourses within their jurisdiction. This ordinance will be developed by the community to outline the enforcement procedures and actions that may be taken against any individual found to be discharging non-storm water discharges to the storm sewer system. The Town of Camp Verde will allow the nonpermitted discharges outlined in Part I, Section C.2 and Part V, Section B.3.a.ii of the Arizona Department of Environmental Quality's *General Permit for Discharge from the Small Municipal Separate Storm Sewer Systems to Waters of the United States*.

5.2.4. Illegal Dumping

Illegal dumping is the disposal of waste in an unpermitted area, such as a back area of a yard, a stream bank, or some other off-road area. Illegal dumping can also be the pouring of liquid wastes or disposing of trash down storm drains. One of the most effective methods of preventing illegal dumping is through public education. The Town will be providing public education to their residents according to the Public Education and Outreach BMPs described in Chapter 3.

The Town of Camp Verde recognizes that reliance on public reporting is an important factor in the effectiveness of anti-illegal dumping programs. The Community Hotline discussed in Chapter 4 will allow for citizen reporting of illegal dumping. In addition, roads that have often been used for trash disposal will be monitored and signs posted informing potential violators of the penalties for illegal dumping. Storm drain marking, as discussed in Chapter 4, will also be used to deter illegal dumping.

Specific actions that will occur under this BMP include:

- Monitor known dumping sites and post warnings
- Develop a flyer to inform the public about the adverse impacts of illegal dumping

5.2.5. Storm Drain Markers

In order to present a clear and consistent message to the residents of Camp Verde and to solicit public involvement, the Town has decided to mark the storm drain inlets. The Town will be applying a metal storm drain marker which has been engraved with the



message "STORM DRAIN NO DUMPING" to storm drain inlets within the Town. A picture of the storm drain marker is shown in Figure 4.1. The Town of Camp Verde may use a storm drain marker that was designed by the City of Phoenix, and is now being used by many municipalities throughout the Phoenix Metropolitan Area.



Figure 5-1 Storm Drain Marker

The Town of Camp Verde will be responsible for ordering the storm drain markers, and maintaining the maps and lists describing the areas that have been marked. Additionally, the Town of Camp Verde may update their standard specification for storm drain inlets, to indicate that the storm drain marker must be in place on the construction of all new storm drain inlets.

The Town of Camp Verde will begin by marking those storm drain inlets that are located within high traffic areas, as well as those inlets where pollution problems are more likely to occur. The Town will keep a record of the locations that have been marked, and will update this list as needed.

Specific actions that will occur under this BMP include:

- Identify storm drain inlets within the Town
- Mark 20% of storm drain inlets within the Town per year

5.3. Implementation Goals

The Town of Camp Verde is responsible for tracking their progress on the SWMP through the development of measurable goals. These measurable goals must include specific actions that will aid the Town in establishing and implementing the BMPs outlined in this section. The actions that have been established for these measurable goals also include a specific time frame within which they will be accomplished.



In order to track the Town’s progress on the implementation of their selected BMPs, the Town of Camp Verde has defined specific measurable goals. The Town will strive to implement these programs within the time frame specified. Table 5-2 Measurable Goals for Illicit Discharge Detection and Elimination provides an outline of the actions that the Town plans to take, as well as the time frame for completing the goals. In the Town’s annual reports, an accounting will be made of the progress and implementation of the selected BMPs. Where feasible, readily quantifiable data will be collected and maintained for each of the BMPs. The name and title of the person responsible for ensuring the implementation of each of the BMPs is listed by department in Table 2-2 Responsible Departments and Parties.

Table 5-2 Measurable Goals for Illicit Discharge Detection and Elimination

Measurable Goal	Permit Year					Start Date	End Date	Responsible Party*
	04	05	06	07	08			
Identify Illicit Connections								
Develop a plan to identify illicit discharges		X				7/04	6/05	Street Department
Develop inspection procedure			X			7/05	6/06	Street Department
Inspect outfalls each year for dry weather flows				X	X	7/06	12/07	Street Department
Map Storm Drain System								
Develop a map of storm drain system identifying all outfalls			X			7/05	6/06	Community Development
Illegal Dumping/ Illicit Discharge Ordinance								
Establish an ordinance prohibiting illegal & illicit discharges		X				7/04	6/05	Legal Department
Illegal Dumping								
Monitor know dumping sites and post warnings	X	X	X	X	X	12/03	12/07	Community Development
Develop a flyer to inform the public	X	X				12/03	6/05	Community Development
Storm Drain Markers								
Identify storm drain inlets within the Town			X			7/05	6/06	Street Department
Mark 20% of storm drain inlets within the Town per year				X	X	7/06	12/07	Street Department

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.



6. Construction Site Storm Water Runoff Control

6.1. Overview

The fourth minimum control measure mandated by the EPA includes requiring the implementation of construction site storm water runoff control measures. The regulatory text for the fourth minimum control measure is very specific and states:

- *... develop, implement, and enforce a program to reduce pollutants in any storm water runoff ... from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with Sec. 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.*
- *The program must include the development and implementation of, at a minimum:*
 - A. *An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;*
 - B. *Requirements for construction site operators to implement appropriate erosion and sediment control (ESC) best management practices;*
 - C. *Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;*
 - D. *Procedures for site plan review which incorporate consideration of potential water quality impacts;*
 - E. *Procedures for receipt and consideration of information submitted by the public, and*
 - F. *Procedures for site inspection and enforcement of control measures.*

ADEQ encourages municipalities to provide appropriate educational and training measures for construction site operators. ADEQ also recommends that municipalities require the development of Storm Water Pollution Prevention Plans (SWPPP) for construction sites within their jurisdiction that discharge into a municipality's storm drain system.

This chapter describes the requirements that the Town will enforce for construction sites within the Town. Each construction site meeting the requirements outlined in the preceding section will be required to develop a SWPPP. As part of this SWPPP the



responsible party for the site will be required to implement measures to prevent storm water pollution at the site. Specific requirements for the SWPPP are included in Section 6.2. Specific structural construction BMPs are outlined in the ADOT Erosion and Pollution Control Manual.

6.2. SWPPP Requirement

The Town of Camp Verde requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for any site that disturbs more than one acre or any site, regardless of size, that is part of a larger planned development or land purchase that will disturb more than one acre. The SWPPP shall be developed in accordance with the ADEQ Construction General Permit (See Appendix B-1). The Town of Camp Verde does not recognize any waivers of this requirement.

The SWPPP shall contain, at a minimum:

- General project information (nature of activity, area of disturbance, etc.)
- General location and site map
- Narrative site description (describe and quantify discharges, etc.)
- Goals and criteria statements
- Description of stabilization practices
- Description of structural practices
- Description of post-construction storm water management
- Description of any other control measures used
- Approved state and local plans

The following documents are provided in **Appendix B Small Construction General Permit Information** to assist in the development of a SWPPP:

- Construction General Permit
- Construction General Permit Fact Sheet
- Construction Notice of Intent (NOI)
- Construction Notice of Termination (NOT)
- Permit Waiver Certification
- Construction SWPPP Checklist

6.3. Selected BMPs

The Town of Camp Verde has selected the following BMPs to help implement and enforce the Construction Site Storm Water Runoff Control measure. The BMPs that the Town of Camp Verde has selected are shown in Table 6-1 Selected BMPs for Construction Site Storm Water Runoff Control. A detailed description of each of the BMPs, along with a description of how it will help to meet the Town's goals, is also provided.



Table 6-1 Selected BMPs for Construction Site Storm Water Runoff Control

BMP	Responsible Party*
Develop a SWPPP Checklist	Community Development
Develop Construction Runoff Ordinance	Legal Department
Review Construction Site Plans for BMPs	Community Development
Grading Plan	Community Development

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.

6.3.1. SWPPP Checklist

As outlined in Section 6.2, the Town will be requiring that all developments that disturb one acre or more to submit a SWPPP. The Town will enforce the submittal of a SWPPP by amending their plan review procedures to require that a SWPPP be submitted before a grading permit is issued.

In order to provide guidance to the developer, and to help reduce unnecessary costs, the Town of Camp Verde will be developing or using another agency’s SWPPP checklist. This checklist will be available to all developers, and will serve as a guideline for developing the SWPPP. It is envisioned that by following the steps listed in the checklist, the developer will have developed an effective SWPPP.

Specific actions that will occur under this BMP include:

- Develop an SWPPP Checklist.
- Distribute SWPPP Checklist to developers.

6.3.2. Construction Runoff Control Ordinance

The Town of Camp Verde will be creating a drainage ordinance to address construction runoff control. The ordinance will require all construction site operators disturbing one acre or more to implement measures to control erosion and sediment runoff, as well as properly dispose of construction wastes. The ordinance will also give the Town enforcement powers. These powers will allow representatives of the Town to inspect construction sites to ensure that proper BMPs are being implemented. Additionally, the Town will have the ability to cite those contractors not following the requirements. The detail enforcement actions that are available to the Town will be included in the ordinance.

Specific actions that will occur under this BMP include:

- Develop a construction runoff control ordinance.

6.3.3. Construction Plan and BMP Review

As explained earlier in this section, all contractors disturbing one acre or more must submit an SWPPP as well as construction plans showing the BMPs the contractor intends to develop. The SWPPP requirements are outlined in Section 6.2. The Town of



Camp Verde will be reviewing these plans in order to ensure that the BMPs set forth by the contractor will adequately reduce storm water runoff and erosion from the construction sites. Although, the Town will be reviewing the BMPs, the ultimate responsibility for the design and implementation of BMPs will be assigned to the developer and contractor respectively. No construction permits will be issued by the Town until the construction plans and BMPs have been approved. Upon review of the plans and BMPs, the Town will verify in writing that the BMPs for the site are appropriate.

Specific actions that will occur under this BMP include:

- Review construction site plans for BMPs for compliance with the general permit.

6.3.4. Construction Site Inspections

In order to ensure that the contractors are implementing the procedures outlined in the SWPPP, the Town of Camp Verde will implement construction site inspections. A representative of the Town inspects all the construction projects within the Town that disturb greater than one acre. These site inspections provide the opportunity for the Town of Camp Verde to verify that the BMPs outlined in the SWPPP's are being implemented, and that a copy of the SWPPP is on site. This construction inspection will be performed as part of the normal construction inspections. The Town has the authority to cite the contractors if the construction site is found to be out of compliance with their SWPPP.

In addition, the Town of Camp Verde is also available to receive information from the public regarding potential storm water violations at construction sites. The City will developed a community hotline and a complaint form and as described in Section 4.2.1. Once a storm water violation has been reported to the Town, the Town's street inspector will receive the information. The street inspector will then go to the site to investigate any potential pollutant. If a storm water violation was found, it will be documented and cited as outlined in the stormwater ordinance.

Specific action that will occur under this BMP include:

- Inspect construction sites for compliance with the SWPPP's

6.3.5. Grading Plan

Land grading is an effective means of reducing steep slopes and stabilizing highly erodible soils when properly implemented with storm water management and erosion and sediment control practices. Land grading involves reshaping the ground surface to planned grades as determined by an engineering survey, evaluation, and layout. Such reshaping provides more suitable topography for buildings, facilities, and other land uses while helping to control surface runoff and soil erosion by decreasing runoff velocity.

In order to implement this best management practice, the Town of Camp Verde will require that all developers and landowners who will be performing grading on their property prepare a grading plan. This grading plan must establish which areas of the site will be graded, how drainage patterns will be directed, and how runoff velocities will affect receiving waters. The grading plan must also include information regarding when



earthwork will start and stop, must establish the degree and length of finished slopes, and must clearly dictate where and how excess material will be disposed of (or where borrow materials will be obtained if needed). Berms, diversions, and other storm water practices will also be incorporated into the grading plan. Grading activities should maintain existing drainage patterns as much as possible.

Only those areas necessary for building activities and equipment traffic should be cleared and graded. An undisturbed temporary or permanent buffer zones must be provided. The lowest elevation of the site should remain undisturbed to provide a protected storm water outlet before storm drains or other construction outlets are installed.

The Town will require that a grading plan conforming to the above specifications be submitted and approved before a grading permit will be issued.

Specific actions that will occur under this BMP include:

- Require a grading plan, necessary for procurement of a grading permit within the Town's jurisdiction

6.4. Implementation Goals

The Town of Camp Verde is responsible for tracking their progress on the SWMP through the development of measurable goals. These measurable goals must include specific actions that will aid the Town in establishing and implementing the BMPs outlined in this section. The actions that have been established for these measurable goals also include a specific time frame within which they will be accomplished.

In order to track the Town's progress on the implementation of their selected BMPs, the Town of Camp Verde has defined specific measurable goals. The Town will strive to implement these programs within the time frame specified. Table 6-2 Measurable Goals for Construction Site Storm Water Runoff Control provides an outline of the actions that the Town plans to take, as well as the time frame for completing the goals. In the Town's annual reports, an accounting will be made of the progress and implementation of the selected BMPs. Where feasible, readily quantifiable data will be collected and maintained for each of the BMPs. The name and title of the person responsible for ensuring the implementation of each of the BMPs is listed by department in Table 2-2 Responsible Departments and Parties.



Table 6-2 Measurable Goals for Construction Site Storm Water Runoff Control

<i>Measurable Goal</i>	<i>Permit Year</i>					<i>Start</i>	<i>End</i>	<i>Responsible Party*</i>
	04	05	06	07	08	Date	Date	
SWPPP Checklist								
Develop a SWPPP Checklist	X					12/03	6/04	Community Development
Distribute SWPPP Checklist to developers		X	X	X	X	7/04	12/07	
Construction Runoff Control Ordinance								
Create drainage ordinance for construction runoff		X				7/04	6/05	Legal Department
Construction Plan and BMP Review								
Review grading and BMPs			X	X	X	7/05	12/07	Community Development
Grading Plan								
Require a grading plan before issuing a grading permit	X	X	X	X	X	12/03	12/07	Community Development
Review grading plan			X	X	X	7/05	12/07	Community Development

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.



7. Post-Construction Runoff Control for Private Development

7.1. Overview

The fifth minimum control measure mandated by the EPA includes developing, implementing, and enforcing a program to address post-construction storm water pollution from new development and redevelopment projects that disturb one acre or more. The regulatory text for this minimum control measure states:

...develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

Specifically, the program must:

- *Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;*
- *Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal, or local law;*
- *Ensure adequate long-term operation and maintenance of BMPs.*

The EPA believes that when storm water quality is considered from the beginning of a project, new development and redevelopment projects will be better able to reduce pollution from storm water runoff throughout the life of the project.

In order to effectively implement a post-construction storm water program, a combination of both structural and non-structural BMPs must be addressed. Some of the non-structural BMPs include:

- Preventative actions that involve the management of source controls
- Public outreach
- Appropriate ordinances

Structural BMPs physically affect the storm water runoff. Some of the structural BMPs are:

- Detention ponds
- Filter strips

As part of this SWMP, the Town of Camp Verde will develop a post-construction storm water program that addresses storm water runoff in both new development and redevelopment. The Town of Camp Verde will implement both structural and non-structural BMPs in order to reduce storm water pollution in new development and redevelopment areas.



7.2. Selected BMPs

The Town of Camp Verde will strive to comply with the objectives of the Post-Construction Runoff Control minimum control measure through the selection and implementation of appropriate BMPs. Many standards and requirements regarding the design of post-construction storm water control measures have been adopted by the Town. These measures include guidelines for the design and use of detention and retention basins, as well as storm water transmission options. This SWMP adopts the existing storm water design requirements by reference. These requirements can be found in the most recent versions of the *Drainage Design Manual for Maricopa County, Arizona*. This manual should be consulted in order to receive the most up to date information regarding the structural BMPs that may be used within the Town.

In addition to the BMPs established in the manual discussed above, the Town of Camp Verde has elected to implement additional BMPs. The BMPs, which the Town has selected, are outlined in Table 7-1 Post-Construction Runoff Control BMPs. A detailed description of each of the BMPs, along with a description of how it will help to meet the Town's goals, is also provided.

Table 7-1 Post-Construction Runoff Control BMPs

BMP	Responsible Party
Post-Construction Ordinance	Legal Department
Post-Construction BMP Inspection	City Engineer
Developer Education Program	Community Development

7.2.1. Post-Construction Ordinance

In order to ensure that the post-construction storm water runoff requirements will be followed, the Town of Camp Verde will be developing an ordinance that will provide the Town with the power to enforce the post-construction requirements. This ordinance will include the procedure for inspections and help ensure that adequate measures are in place to address the post-construction runoff from new development and redevelopment projects. This ordinance will grant the Town the authority to inspect the post-construction BMPs. In addition, the ordinance will require that a maintenance agreement is continuously maintained for the structural BMPs on a project.

Specific actions that will occur under this BMP include:

- Develop a post-construction runoff control ordinance.

7.2.2. Post-Construction Inspection

The Town of Camp Verde is in the process of adopting an ordinance to better enforce the post-construction BMP requirements. This ordinance will be enforceable with various penalties as described within the ordinance. In order to ensure that the ordinance is being followed, the Town of Camp Verde will inspect catch basins and retention basins to verify these BMP are being properly maintained. The method for



inspections will be determined by the Town. The Town will then maintain the Town owned catch basins and retention basins as determined by the annual inspection.

Specific actions that will occur under this BMP include:

- Develop an inspection schedule
- Inspect post-construction sites for storm water compliance
- Maintain post-construction BMPs

7.2.3. Development Education Program

In order to assist the development community in complying with the post-construction requirements, the Town of Camp Verde will be developing educational information to provide to owners, developers, designers, and the public. The purpose of this information will be to identify measures and designs that will minimize water quality impacts, as well as provide a description of post-construction BMPs that could be used to reduce post-construction runoff from new development and redevelopment projects within the Town.

Specific actions that will occur under this BMP include:

- Develop post-construction BMP information materials for developers.
- Make the information available for pickup by the developer.

7.3. Implementation Goals

The Town of Camp Verde is responsible for tracking their progress on the SWMP through the development of measurable goals. These measurable goals must include specific actions that will aid the Town in establishing and implementing the BMPs outlined in this section. The actions, which have been established for these measurable goals, must also include a specific time frame within which they will be accomplished.

In order to track the Town's progress on the implementation of their selected BMPs, the Town of Camp Verde has defined specific measurable goals. The Town will strive to implement these programs within the time frame specified. Table 7-2 Measurable Goals for Post-Construction Runoff Measure provides an outline of the actions that the Town plans to take, as well as the time frame by which the goals will be completed. In the Town's annual reports, an accounting will be made of the progress and implementation of the selected BMPs. Where feasible, readily quantifiable data will be collected and maintained for each of the BMPs. The name and title of the person responsible for ensuring the implementation of each of the BMPs is listed by department in Table 2-2 Responsible Departments and Parties.



Table 7-2 Measurable Goals for Post-Construction Runoff Measure

Measurable Goal	Permit Year					Start Date	End Date	Responsible Party*
	04	05	06	07	08			
Post-Construction Ordinance								
Develop a post-construction storm water ordinance			X			7/04	6/05	Legal Department
Post-Construction Inspection								
Develop an inspection schedule			X			7/05	6/06	Street Department
Inspect post-construction sites for storm water compliance				X	X	7/06	12/07	Street Department
Maintain post-construction BMPs				X	X	7/06	12/07	Street Department
Development Education Program								
Develop post-construction BMP information materials			X			7/05	6/06	Community Development
Make the information available for pickup by the developer.				X	X	7/06	12/07	

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.



8. Pollution Prevention/Good Housekeeping for Municipal Operations

8.1. Overview

The sixth minimum control measure mandated by the EPA includes developing and implementing a pollution prevention program for municipal operations. The regulatory text for this minimum control measure states:

...develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

The EPA believes that operation and maintenance programs, when properly implemented, will reduce the risk of water quality problems. Therefore, these programs are an important part of all storm water management programs. In developing an appropriate pollution prevention/good housekeeping program for municipal operations, the EPA recommends that at a minimum the following items be considered: maintenance activities, maintenance schedules, long-term inspection procedures, controls to reduce pollution from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops; procedures for properly disposing of waste removed from the separate storm sewers and other municipal maintenance areas; and ways to ensure new flood management projects assess the impacts on water quality and examine methods for reducing the water quality.

The Town of Camp Verde will develop a program that will help prevent pollution from municipal activities. This chapter describes the BMPs that the Town has selected. These BMPs have been specifically tailored to reduce pollution from the Town's municipal operations.

8.2. Impacted Municipal Operations

The Town of Camp Verde will strive to comply with the objectives of the Pollution Prevention/Good Housekeeping for Municipal Operations minimum control measure through the selection of appropriate BMPs. The municipal operations and BMPs, which the Town of Camp Verde has selected, are outlined in Table 8-1 Impacted Municipal Operations. A detailed description of each of the municipal operations and BMPs, along with a description of how it will help to meet the Town's goals, is also provided. These BMPs have been specifically tailored to meet the conditions found in the Town of Camp Verde's municipal operations facilities.



Table 8-1 Impacted Municipal Operations

Municipal Operation	Responsible Party*
Town Training Program	Community Development
Vehicle Washing	Street Department
Street Sweeping	Street Department
Used Oil Recycling	Street Department
Automobile Maintenance	Street Department
Roadway Maintenance	Street Department

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.

8.2.1. Municipal Training Program

The Town of Camp Verde will be implementing a municipal employee training program. The purpose of this program will be to explain the environmental problems associated with polluted storm water runoff. The training program will also address methods that the town employees may take to reduce potential hazardous runoff. Potential training items may include, proper storage and handling of materials, identifying and reporting illicit discharges, etc. The Town will identify the departments that can directly utilize the stormwater training in their jobs. These departments include the Facility Maintenance and Parks and Recreation department, the Street department, and the Community Development department. They will receive information and training specific to the tasks on which they work.

Specific actions that will occur under this BMP include:

- Develop a municipal training program
- Train municipal employees

8.2.2. Vehicle Washing

Outdoor vehicle washing is a common practice that has the potential to introduce many contaminants into the storm drain system. While commercial car washing facilities must properly dispose of their wash water, when vehicles are washed outdoors, oil, grease, soap, and many other chemicals can be released into the storm drain system.

In order to help prevent storm water pollution caused by the washing of town vehicles, the Town of Camp Verde will use commercial vehicle washing facilities. The Town will select and approve a car wash facility based on its location, proper disposal of wash water, and the ability to take the Town's credit cards. Once the car wash facility is selected, the Town staff will be able to wash Town vehicles using the Town's credit cards. This will help to prevent the polluted vehicle runoff from entering the storm drain system.

Specific actions that will occur under this BMP include:

- Wash town automobiles at commercial car wash facilities



8.2.3. Street Sweeping

Due to the large amount of pollutants that can be found on roadways, the Town of Camp Verde will implement a street sweeping program as one of their best management practices. It is believed that street sweeping will remove sediment buildup on the roadways and in the gutters, and will therefore reduce the pollutant load during a storm water event. Two miles of road will be swept once a month and after special events to remove sediment on the road. The waste collected from street sweeping, which is mostly dirt, will be used for farming fill.

Specific actions that will occur under this BMP include:

- Sweep two miles of town streets monthly

8.2.4. Used Oil Recycling

The improper disposal of used motor oil poses a large threat to the environment. It has been estimated that one gallon of oil will contaminate 1,000,000 gallons of drinking water. Additionally, improperly disposed motor oil is responsible for 40% of the pollution in America's waterways. In order to help reduce the potential for pollution caused by used motor oils, the Town of Camp Verde will be implementing an oil-recycling program. As part of this BMP, Town staff will provide an example to residents by recycling the used motor oil from their municipal fleet.

Specific actions that will occur under this BMP include:

- Recycle used motor oil from the Town's fleet vehicles.

8.2.5. Automobile Maintenance

Automotive repair is the leader in number of hazardous waste generators, as well as the quantity of total waste produced for small quantity generators of hazardous waste. Many of the common repair and cleaning activities at maintenance shops have the potential for polluting storm water runoff. The purpose of this BMP is to target municipal fleets (public works, school buses, police, etc) involved in automobile maintenance, and to establish alternative methods and procedures that will help to reduce pollution.

Automotive repair and maintenance facilities conduct many activities that have the potential for generating storm water pollution. Such activities include the cleaning of parts, changing of vehicle fluids, and replacement and repair of equipment.

The EPA has developed a set of recommendations for various activities which will help minimize the storm water impact of automotive maintenance. These practices are shown in Table 8-2 Recommended Pollution Prevention Methods for Automotive Maintenance.



Table 8-2 Recommended Pollution Prevention Methods for Automotive Maintenance

Pollution Prevention Method	Suggested Activities
Waste Reduction	<ul style="list-style-type: none"> The number of solvents used should be kept to a minimum to make recycling easier and to reduce hazardous waste management cost. Do all liquid cleaning at a centralized station to ensure that solvents and residues stay in one area. Locate drip pans and draining boards to direct solvents back into solvent sink or holding tank for reuse.
Using Safer Alternatives	<ul style="list-style-type: none"> Use non-hazardous cleaners when possible. Replace chlorinated solvents with nonchlorinated ones like kerosene or mineral spirits. Recycled products such as engines, oil, transmission fluid, antifreeze, and hydraulic fluid can be purchased to support the market for recycled products.
Spill Clean Up	<ul style="list-style-type: none"> Use as little water as possible to clean spills, leaks, and drips. Rags should be used to clean small spills, dry absorbent material for larger spills, and a mop for general cleanup. Mop water can be disposed of via the sink or toilet to the sanitary sewer.
Good Housekeeping	<ul style="list-style-type: none"> Employee training and public outreach are necessary to reinforce proper disposal practices. Conduct maintenance work such as fluid changes indoors. Update facility schematics to accurately reflect all plumbing connections. Parked vehicles should be monitored closely for leaks and pans should be placed under any leaks to collect the fluids for proper disposal or recycling. Promptly transfer used fluids to recycling drums or hazardous waste containers. Do not pour liquid waste down floor drains, sinks, or outdoor storm drain inlets. Obtain and use drain mats to cover drains in the event of a spill. Store cracked batteries in leak proof secondary containers.
Parts Cleaning	<ul style="list-style-type: none"> Use detergent-based or water-based cleaning systems instead of organic solvent degreasers. Steam cleaning and pressure washing may be used instead of solvent parts cleaning. The wastewater generated from steam cleaning can be discharged to the on-site oil/water separator.

As part of this BMP, the Town will train fleet department employee to determine the potential for polluting storm water runoff annually. Since numerous hazardous wastes can be generated from automobile maintenance, the Town feels it is important to properly clean the fleet floor regularly to reduce any possible pollutant. The Town will use dry absorbent material to collect antifreeze and other spills on the floor instead of washing away these spills.

Specific actions that will occur under this BMP include:

- Train fleet department employee for property automobile maintenance



- Clean any spills with fry absorbent material

8.2.6. Roadway Maintenance

A portion of the land use within the Town of Camp Verde consists of roadway infrastructure. The automobiles traveling daily along these roads generate a substantial amount of pollution. This combination presents a large potential for polluting storm water runoff. Many potential pollutants can enter the storm water from roadways. Table 8-3 Highway Runoff Constituents and their Sources provides an EPA list of common pollutants which are found in highway runoff as well as their most likely sources.

Table 8-3 Highway Runoff Constituents and their Sources

Constituent	Primary Sources
Particulates	Pavement wear, vehicles, atmosphere
Nitrogen, Phosphorus	Atmosphere, roadside fertilizer application
Lead	Tire wear, auto exhaust
Zinc	Tire wear, motor oil, grease
Iron	Auto body rust, steel highway structures, moving engine parts
Copper	Metal plating, brake lining wear, moving engine parts, bearing and bushing wear, fungicides and insecticides
Cadmium	Tire wear, insecticides
Chromium	Metal plating, moving engine parts, brake lining wear
Nickel	Diesel fuel and gasoline, lubricating oil, metal plating, brake lining wear, asphalt paving
Manganese	Moving engine parts
Sulphate	Roadway beds, fuel, deicing salts
Petroleum	Spills, leaks or blow-by of motor lubricants, antifreeze and hydraulic fluids, asphalt surface leachate

Due to the many potential contaminants on the roads, the Town of Camp Verde feels that it is important that these roadways are properly maintained. The Town will sweep roadways as described in Section 8.2.3, repair road damage, pave dirt roads. The Town feels that paved road will cause less pollution of the stormwater, due to the permanent surface. The Town will be paving two miles of roads every year to replace the non-paved roads.

Specific actions that will occur under this BMP include:

- Maintaining roadways within the Town of Camp Verde
- Pave two miles of roads per year

8.3. Implementation Goals

The Town of Camp Verde is responsible for tracking their progress on the SWMP through the development of measurable goals. These measurable goals must include specific actions that will aid the Town in establishing and implementing the BMPs outlined in this section. The actions, which have been established for these measurable goals, must also include a specific time frame within which they will be accomplished.



In order to track the Town's progress on the implementation of their selected BMPs, the Town of Camp Verde has defined specific measurable goals. The Town will strive to implement these programs within the time frame specified.

Table 8-4 Measurable Goals for Pollution Prevention/Good Housekeeping Measure provides an outline of the actions that the Town plans to take, as well as the time frame by which the goals will be completed. In the Town's annual reports, an accounting will be made of the progress and implementation of the selected BMPs. Where feasible, readily quantifiable data will be collected and maintained for each of the BMPs. The name and title of the person responsible for ensuring the implementation of each of the BMPs is listed by department in Table 2-2 Responsible Departments and Parties.

Table 8-4 Measurable Goals for Pollution Prevention/Good Housekeeping Measure

Measurable Goal	Permit Year					Start Date	End Date	Responsible Party*
	04	05	06	07	08			
Municipal Training Program								
Identify which department will be trained	X					12/03	6/04	Community Development
Develop a training program		X				7/04	6/05	
Train municipal staff			X	X	X	7/05	12/07	
Vehicle Washing								
Wash town vehicles at commercial car wash facilities	X	X	X	X	X	12/03	12/07	Street Department
Street Sweeping								
Sweep two miles of town streets monthly	X	X	X	X	X	12/03	12/07	Street Department
Used Oil Recycling								
Recycle used motor oil from the Town's fleet vehicles	X	X	X	X	X	12/03	12/07	Street Department
Automobile Maintenance								
Train fleet department employee		X	X	X	X	7/04	12/07	Street Department
Clean any spills with dry absorbent material	X	X	X	X	X	12/03	12/07	
Roadway Maintenance								
Maintain roadways within the Town of Camp Verde	X	X	X	X	X	12/03	12/07	Street Department
Pave two miles of streets per year	X	X	X	X	X	12/03	12/07	

*The name and title of the person responsible for ensuring the implementation of the BMPs for each department is listed in Table 2-2 Responsible Departments and Parties.



Appendix

Appendix A Small MS4 Documents

- Appendix A-1 Small MS4 General Permit
- Appendix A-2 Small MS4 General Permit Fact Sheet
- Appendix A-3 Small MS4 Notice of Intent (NOI)
- Appendix A-4 Small MS4 Notice of Termination (NOT)

Appendix B Small Construction General Permit Information

- Appendix B-1 Small Construction General Permit
- Appendix B-2 Small Construction General Permit Fact Sheet
- Appendix B-3 Small Construction Notice of Intent (NOI)
- Appendix B-4 Small Construction Notice of Termination (NOT)
- Appendix B-5 Permit Waiver Certification
- Appendix B-6 Construction SWPPP Checklist



Appendix A Small MS4 Documents



Appendix A-1 Small MS4 General Permit



STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PHOENIX, ARIZONA 85012-2809

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR DISCHARGE FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
TO WATERS OF THE UNITED STATES

In compliance with the provisions of the Arizona Pollutant Discharge Elimination System program, (Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1 and Arizona Administrative Code, Title 18, Chapter 9, Articles 9 and 10), this general permit authorizes discharges certified under this general permit from those locations specified throughout the state of Arizona to waters of the United States. These discharges shall be in accordance with the conditions of this general permit.

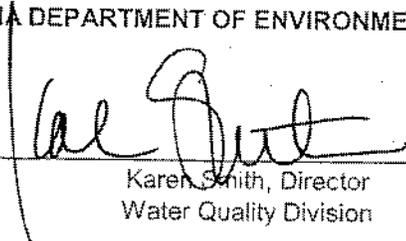
This permit only authorizes discharges from those operators of small municipal separate storm sewer systems in Arizona who submit a complete Notice of Intent in accordance with Parts III and V of this general permit and who comply with the permit requirements and conditions of Parts IV and VI. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit.

This general permit becomes effective on December 19, 2002.

This general permit and the authorization to discharge expire at midnight, December 19, 2007.

Issued this 19th day of DEC., 2002.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Smith, Director
Water Quality Division

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PART I. COVERAGE UNDER THIS GENERAL PERMIT

- A. Permit Area. This permit covers the state of Arizona, except for Indian Country.
- B. Eligibility.
1. This permit authorizes the discharge of stormwater from small municipal separate storm sewer systems (MS4s) provided that the permittee complies with all the requirements of this general permit and the MS4:
 - a. Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
 - b. Is designated for permit authorization by the Department under R-18-9-A902(D)(1), R18-9-A902(D)(2), R-18-9-A902(E), and R18-9-A905(A)(1)(f) which incorporates 40 CFR 122.32.
- C. Non-Stormwater Discharges.
1. The permittee shall prohibit all types of non-stormwater discharges into its MS4 unless the discharges are authorized by a separate NPDES or AZPDES permit or not prohibited under Part I, Section C.2 or are identified by the permittee as occasional incidental non-stormwater discharges under Part V, Section B.3.a.ii.
 2. The following categories of non-stormwater discharges (occurring within the jurisdiction of the permittee) are only prohibited if the discharges are identified as significant contributors of pollutants to or from the MS4. If any of the following categories of discharges are identified as a significant contributor, the permittee must address the category as an illicit discharge as specified in Part V, Section B.3:
 - a. Water line flushing,
 - b. Landscape irrigation,
 - c. Diverted stream flows,
 - d. Rising ground waters,
 - e. Uncontaminated ground water infiltration,
 - f. Uncontaminated pumped groundwater,
 - g. Discharges from potable water sources,
 - h. Foundation drains,
 - i. Air conditioning condensate,
 - j. Irrigation water,
 - k. Springs,
 - l. Water from crawl space pumps,
 - m. Footing drains,
 - n. Lawn watering,

- o. Individual residential car washing,
 - p. Discharges from riparian habitats and wetlands,
 - q. Dechlorinated swimming pool discharges,
 - r. Street wash water, and
 - s. Discharges or flows from emergency fire fighting activities.
- D. Limitations of Coverage. This general permit does not authorize:
1. Discharges mixed with sources of non-stormwater unless the non-stormwater discharges:
 - a. Comply with a separate NPDES or AZPDES permit, or
 - b. Are determined not to be a significant contributor of pollutants to waters of the United States;
 2. Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi);
 3. Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15);
 4. Stormwater discharges currently covered under another permit;
 5. Discharges to impaired waterbodies listed under section 303(d) of the Clean Water Act (CWA) if discharges from the MS4 contain, or may contain, pollutant(s) for which the waterbody is listed except:
 - a. If a TMDL has been established, and the stormwater management program (SWMP) is consistent with the requirements of the TMDL, including any wasteload allocation or load allocation in the TMDL. The SWMP must also identify BMPs the permittee will use to meet wasteload allocations or load allocations and include monitoring for associated pollutant(s); and
 - b. If a TMDL has not been established, and the SWMP includes a section describing how the program will control the discharge of 303(d) listed pollutants and ensure to the maximum extent practicable that discharges from the MS4 will not cause or contribute to exceedances of surface water quality standards. The SWMP must also identify BMPs the permittee will use to control discharges and include monitoring of their effectiveness;
 6. Discharges that do not comply with Arizona's anti-degradation rule (R18-11-107). The anti-degradation rule may be obtained from the Department's Phoenix office or from the Department's Web site.

PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT

- A. Application for Coverage.
1. An applicant seeking authorization to discharge under this general permit shall submit to the Department a complete notice of intent (NOI), in accordance with the deadlines in Part III, Section A. The NOI must include the information and attachments required by Part III,

Section B.

If the Department notifies an applicant (either directly, by public notice, or by making information available on the Internet) of other NOI options that become available at a later date, such as electronic submission of forms or information, the applicant may take advantage of those options to satisfy the NOI submittal requirements.

2. If an operator changes or a new operator is added after an NOI has been submitted, the permittee shall submit a new or revised NOI to the Department.
3. A discharger who submits a complete NOI and meets the eligibility requirements in Part I may discharge stormwater from a small MS4 under the terms and conditions of this general permit 30 days after the date the NOI is received by the Department. For the purposes of this permit, receipt is the day the fax was sent, the day the NOI was hand-delivered to the Department, or the day the Department signed certified mail containing the NOI. Submission of the NOI demonstrates the discharger's intent to be covered by this permit; it is not a determination by the Department that the discharger has met the eligibility requirements for the permit.
4. If the Department notifies the applicant of deficiencies or inadequacies in any portion of the NOI (including the stormwater management program), the applicant must correct the deficient or inadequate portions and submit a written statement to the Department certifying that appropriate changes have been made. The certification must be submitted within the time-frame specified by the Department and must specify how the NOI has been amended to address the identified concerns.

B. Terminating Coverage.

1. A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT). Authorization to discharge terminates at midnight on the day the NOT is signed.
2. A permittee shall submit an NOT to the Department within 30 days after the permittee:
 - a. Ceases discharging stormwater from the MS4,
 - b. Ceases operations at the MS4, or
 - c. Transfers ownership of or responsibility for the facility to another operator.
3. The NOT form can be obtained from the Department and must include the following information:
 - a. Name, mailing address, and location of the MS4 for which the notification is submitted;
 - b. The name, address and telephone number of the operator addressed by the NOT;
 - c. The NPDES or AZPDES permit number for the MS4;
 - d. An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the stormwater discharges have been eliminated; and
 - e. The following certification:

I certify under penalty of law that all stormwater discharges from the identified MS4 that are authorized by an AZPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge stormwater under this general permit, and that discharging pollutants in stormwater to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an AZPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

- f. NOTs, signed in accordance with Part VI, Section L, must be sent to the Department at the following address:

Small MS4 NOT
Surface Water Permits Unit (5415 B)
Arizona Department of Environmental Quality
1110 West Washington
Phoenix, AZ 85007

PART III. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. MS4s automatically designated under R18-9-A905(A)(1)(f) are required to submit an NOI and a stormwater management program or apply for an individual permit by March 10, 2003.
2. MS4s designated under R18-9-A902(D)(1), R18-9-A902(D)(2), or R18-9-A902(E) are required to submit an NOI and a stormwater management program within 180 days of notice (unless the Department provides additional time in the designation notice).
3. New MS4s and New Operators
 - a. For new MS4s within urbanized areas which commence discharges subsequent to March 10, 2003, the NOI must be submitted not later than 30 days prior to commencing discharges.
 - b. For new operators of an existing MS4, the NOI must be submitted not later than two days prior to taking operational control of the MS4.
4. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

B. Contents of Notice of Intent. An applicant eligible for coverage under this general permit shall submit an NOI to discharge under this general permit. The NOI shall contain the following information:

1. The name, mailing address, and telephone number of the municipal entity applying;
2. An indication of whether the applicant is a federal, state, or other public entity;
3. The urbanized area or core municipality (if not located in an urbanized area) where the small MS4 is located; the county(ies) where the small MS4 is located, and the latitude and longitude of the approximate center of the small MS4;
4. The name of the major receiving water(s) and an indication of whether any of the receiving

waters are on the latest CWA section 303(d) list of impaired waters. If the small MS4 discharges to any 303(d) listed waters, include a certification that the SWMP meets the requirements of Part I, Section D.5;

5. An indication of whether all or a portion of the small MS4 is located in Indian country;
6. If the applicant is relying on another governmental entity to satisfy one or more permit obligations (see Part V, Section D), the identity of that entity(ies) and the element(s) the entity(ies) will be implementing;
7. The name and work position or title of the contact person;
8. The signature of the certifying official, signed in accordance with the signatory requirements of Part VI, Section L; and
9. A stormwater management program (SWMP), including best management practices (BMPs) that will be implemented and the measurable goals for each of the stormwater minimum control measures specified in Part V, Section B., the month and year in which the applicant will start and fully implement each of the minimum control measures or the frequency of the action, and the name of the person(s) responsible for implementing or coordinating the SWMP.
10. The following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2002-002 issued by the Director.

- C. Where to Submit. The applicant shall submit the signed NOI to the Department at the following address:

Small MS4 NOI
Surface Water Permits Unit, 5415B
Arizona Department of Environmental Quality
1110 West Washington
Phoenix, AZ 85007

- D. Co-Permittees Under a Single NOI.

Any small MS4 that meets the requirements of Part I of this general permit may choose to partner with another regulated MS4 to develop and implement a SWMP. The MS4s may also jointly submit one NOI. If responsibilities are being shared as provided in Part V, Section D, the SWMP must describe which permittees are responsible for implementing each of the minimum measures. All small MS4 permittees are subject to the provisions in Part V, Section E.

PART IV. SPECIAL CONDITIONS

Total Daily Maximum Loads (TMDLs) Allocations Established after Permit Issuance. If a TMDL is established for any waterbody into which the permittee discharges prior to the date that the permittee or applicant submits an NOI, and if that TMDL includes a wasteload allocation or load allocation for a parameter likely to be

discharged by the MS4, the permittee must meet the requirements of the TMDL and/or its associated implementation plan. If a TMDL is approved for any waterbody into which the permittee discharges after the date that the permittee or applicant submits an NOI, the Department may require revisions to the SWMP to ensure that the wasteload allocation, load allocation and/or the TMDL's associated implementation plan will be met. Monitoring of the discharges may also be required, as appropriate, to ensure compliance with the TMDL.

PART V. STORMWATER MANAGEMENT PROGRAM (SWMP)

- A. General Requirements. An applicant shall develop, and a permittee shall implement, and enforce a SWMP designed to reduce the discharge of pollutants from a small MS4 to the maximum extent practicable (MEP) to protect water quality. The SWMP shall include management practices; control techniques; system, design, and engineering methods; and other provisions the Department determines appropriate for the control of pollutants.
1. A permittee must fully implement the SWMP, including its measurable goals, no later than December 19, 2007 (except as provided under Part V, Section A.2).
 2. If a permittee is required to obtain permit coverage after March 10, 2003, the permittee shall implement the SWMP, including its measurable goals, for the period between the date of authorization to discharge and the expiration date of this permit. For example, if the permittee was authorized to discharge under this permit on March 10, 2006 the measurable goals established in the SWMP for the period between 2006 and the expiration date of this general permit must be met.
 3. The SWMP shall address each of the minimum control measures of Part V, Section B and must include measurable goals, including interim milestones, for each BMP, including as appropriate, the months and years in which the MS4 will undertake the required actions and the frequency of the action. The name and title of the person or persons responsible for implementing the SWMP shall also be included.
 4. The permittee shall protect water quality by ensuring, to the maximum extent practicable, that no discharge shall cause or contribute to an exceedance of applicable water quality standard. To do so, the permittee shall fully implement all SWMP and permit requirements in accordance with the established time frames.
- B. Minimum control measures.
1. Public Education and Outreach on Stormwater Impacts. The permittee or applicant, as applicable, shall:
 - a. Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impact of stormwater discharges on waterbodies and the steps that the public can take to reduce pollutants in stormwater runoff.;
 - b. Include the following information in the SWMP:
 - i. A description of the education program and outreach activities;
 - ii. A description of the methods for disseminating information;
 - iii. The target audiences and target pollutants and sources that the applicant will address in the program, and how they were selected;
 - iv. An estimation of the number of people with whom the applicant intends to communicate;

- v. A list of measurable goals for the public education and outreach program;
 - vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals
 - vii. The name(s) and title(s) of the person(s) responsible for implementing and coordinating the education activities.
2. Public Involvement/Participation. The permittee or applicant, as applicable, shall:
- a. Develop and implement a plan to encourage public involvement and participation in the development and implementation of the SWMP;
 - b. Comply with state and local public notice requirements when implementing the public involvement/participation program.
 - c. Include the following information in the SWMP:
 - i. A description of the general plan for informing the public of involvement and participation opportunities;
 - ii. The types of activities for public involvement that the program will include and the target audiences;
 - iii. A description of the procedure for receiving and reviewing public comments;
 - iv. An explanation of how interested parties may access the SWMP and NOI;
 - v. A list of measurable goals for the public involvement/participation program;
 - vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals and;
 - vii. The name(s) and title(s) of the person(s) responsible for implementing and coordinating the public involvement/participation activities.
3. Illicit Discharge Detection and Elimination. The permittee or applicant, as applicable, shall:
- a. Develop, implement, and enforce a program to detect and eliminate illicit discharges into the small MS4, except those discharges listed below:
 - i. Non-stormwater discharges as listed in Part I, Section C.2 ; This exception does not apply to those categories of discharge which the permittee or applicant has determined to be a significant contributor of pollutants to the small MS4; or
 - ii. Occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.) that the permittee does not expect (based on information available to the permittee) to be a significant contributor of pollutants to the small MS4 because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the small MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.).
 - b. Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;

- c. To the extent allowable under state or local law, effectively prohibit through ordinance or other regulatory mechanism, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions;
 - d. Develop and implement a plan to detect, identify the source of, and address non-stormwater discharges, including illegal dumping, to the system;
 - e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
 - f. Conduct dry weather field screening for non-stormwater flows. The screening must include qualitative field tests based on color, odor, or visually observed characteristics as indicators of discharge sources. If the qualitative field tests do not provide enough information for the permittee to determine the source of the discharge, the permittee must test the discharge, while in the field, for selected chemical parameters. The permittee must investigate the illicit discharge within 15 days of its detection, and must follow up investigation with an action to further study the source of the discharge or eliminate it.
 - g. Include the following information in the SWMP:
 - i. A description of detection methods;
 - ii. A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges. If the permittee needs to develop this mechanism, describe the plan and a schedule to do so.
 - iii. A description of enforcement policy and jurisdiction;
 - iv. A description of the non-stormwater discharges allowed in the small MS4 pursuant to Part V, Section B.3.a.i;
 - v. A description of the non-stormwater discharges allowed in the small MS4 pursuant to Part V, Section B.3.a.ii;
 - vi. The methods for informing/training employees about illicit discharges;
 - vii. The methods for informing the public of hazards associated with illegal discharges and improper disposal of waste;
 - viii. A list of measurable goals for the illicit detection and elimination program;
 - ix. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - x. The name(s) and title(s) of the person(s) responsible for implementing and coordinating illicit discharge detection and elimination activities.
4. Construction Site Stormwater Runoff Control. The permittee or applicant, as applicable, shall:
- a. Develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Department waives requirements for

stormwater discharges associated with small construction activity, defined under 40 CFR 122.26(b)(15)(i), the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from these sites;

- b. Using an ordinance or other regulatory mechanism available under the legal authorities of the small MS4, require construction site operators to practice erosion and sediment control and require construction site operators to control waste and properly dispose of wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. This ordinance must apply, at a minimum, to those sites described in Part V, Section B.4.a.
 - c. Review all site plans for those sites described in Part V, Section B.4.a. for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the law or ordinance of Part V, Section B.4.b. Before ground is broken at the construction site, the small MS4 operator shall review the plans and, verify (in written communication with the construction site operator) that the BMPs for the site are appropriate;
 - d. Develop and implement procedures for site inspection and enforcement of control measures for those sites described in Part V, Section B.4.a.;
 - e. Include the following information in the SWMP:
 - i. A description or citation of the established ordinance or other regulatory mechanism used to prohibit erosion and ensure proper management of wastes on construction sites per Part V, Section 4.b. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so;
 - ii. A description of the sanctions and enforcement mechanism(s) to ensure compliance;
 - iii. A description of the procedures for site inspection and enforcement of control measures, and procedures for site plan reviews;
 - iv. Procedures for receipt, acknowledgment and consideration of information submitted by the public,
 - v. A list of measurable goals for the construction site runoff control program;
 - vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - vii. The name(s) and title(s) of the person(s) responsible for overseeing construction site runoff control activities.
5. Post-Construction Stormwater Management in New Development and Redevelopment. The permittee or applicant, as applicable, shall:
- a. Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, and discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;

- b. Develop and implement strategies that include a combination of structural and/or non-structural BMPs appropriate for the community;
 - c. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under the legal authorities of the small MS4;
 - d. Ensure adequate long-term operation and maintenance of BMPs; and
 - e. Include the following information in the SWMP:
 - i. A description of the management practices to reduce post-construction runoff from new development and redevelopment projects within the MS4; address any specific priority areas and tailor to the local community;
 - ii. A description or citation of the established ordinance or other regulatory mechanism used to address post-construction runoff control. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so;
 - iii. A description of the procedure to ensure compliance with local requirements;
 - iv. A description of the education program for developers, architects and the public about project designs that minimize water quality impacts;
 - v. An identification of the measurable goals for the post-construction runoff control program;
 - vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - vii. The name(s) and title(s) of the person(s) responsible for the development, implementation, and enforcement of post-construction stormwater management.
6. Pollution Prevention/Good Housekeeping for Municipal Operations. The permittee or applicant, as applicable, shall:
- a. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations due to activities, including but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The permittee shall address the following topics in the program:
 - i. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the small MS4;
 - ii. Controls to reduce or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas; and
 - iii. Procedures to properly dispose of waste removed from the small MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.

- b. Include the following information in the SWMP:
 - i. A list of the municipal operations impacted by this operation and maintenance program;
 - ii. A description of the training program for municipal employees
 - iii. A list of measurable goals for the municipal pollution prevention program;
 - iv. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - v. The name(s) and title(s) of the person(s) responsible for implementing and coordinating employee training and pollution prevention activities.
- C. Qualifying State or Local Program. The permittee may substitute the BMPs and measurable goals of an existing stormwater pollution control program to qualify for compliance with one or more of the minimum control measures if the existing measure meets the requirements of the minimum control measure as established in Part V, Section B.
- D. Sharing Responsibility. Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. A permittee may rely on another entity only if:
 - 1 The other entity, in fact, implements the control measure;
 - 2. The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement;
 - 3. The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is expected. The permittee shall maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the permittee shall supply the other entity with the reporting requirements in Part V, Section G of this general permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure component.
- E. Reviewing and Updating SWMPs.
 - 1. The permittee shall annually review the SWMP in conjunction with preparation of the annual report required under Part V, Section G.
 - 2. The permittee may change the SWMP during the life of the permit according to the following procedures:
 - a. Changes adding (but not subtracting) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department;
 - b. Changes replacing an ineffective or infeasible management practice specifically identified in the SWMP with an alternate management practice may be made at any time, as long as the permittee submits a written analysis to the Department explaining why the management practice is ineffective or infeasible (including cost prohibitive), and why the replacement management practice is expected to achieve the goals of the management practice to be replaced;
 - c. Change notifications must be signed in accordance with Part VI, Section L;

3. The Department may notify a permittee that changes to the SWMP are necessary:
 - a. To address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - b. To include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; and
 - c. If, at any time, the Department determines that the SWMP does not meet permit requirements.
4. The notification described above in Part V, Section E.3 will need to be addressed by the permittee in one of the following manners:
 - a. If the Department specifies changes that are to be made to the SWMP (including changes in implementation schedules), the permittee shall, within 60 days (or a later date if provided by the Department) certify that it has made changes as required by the Department. Changes must go into effect 30 days from the date the permittee certifies that changes have been made to the SWMP.
 - b. If the permittee proposes an alternative to the Department's required change (including changes in implementation schedule), the proposed alternative must be received by the Department within 60 days of notification of the required change. If the Department approves the proposed alternative, the changes to the SWMP must go into effect 30 days from the date the Department approved the proposal. If the Department does not approve the proposed alternative, the permittee must make changes to the SWMP as specified by the Department. Certification that changes have been made to the SWMP must be received within 60 days of the date the permittee received notification that the proposal had been rejected. Changes must go into effect 30 days from the date the permittee certifies that changes have been made to the SWMP.
5. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The permittee must implement the SWMP in all new areas added to the permittee's portion of the MS4 (or for which the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
 - a. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the SWMP in all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
 - b. Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

F. Monitoring.

1. The permittee must evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. If the permittee discharges to a water for which a TMDL has been established, the permittee must monitor to determine if the stormwater controls are adequate to maintain compliance with the MS4's

wasteload allocation or load allocation. If the permittee discharges to a 303(d) listed water that contains, or may contain, pollutant(s) for which the waterbody is listed, the permittee must monitor to determine if BMPs are effective to control discharges of pollutants of concern.

2. If the permittee conducts analytical monitoring at the permitted small MS4, the permittee must comply with the following:
 - a. *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. *Test Procedures.* Monitoring results shall be conducted according to test procedures approved in R18-9-A905(B) or other test procedures mutually agreed upon by the Director and the permittee or applicant.
 - c. *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR) when monitoring is performed in accordance with a TMDL requirement.
3. Records of analytical monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The names(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The name(s) of the individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

G. Annual Reports.

1. The permittee must submit annual reports to the Department for each year of the permit term. The first report is due September 30, 2004, covering the activities of the permittee during the period beginning on the effective date of the permit for the permittee and ending June 30, 2004. Subsequent annual reports are due on September 30 of each year following 2004 during the remainder of the term of the permit and must cover the activities of the permittee for the previous year up to and including June 30. The report must include:
 - a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP and protecting water quality, and the measurable goals for each of the minimum control measures,
 - b. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
 - c. Any changes made to the SWMP since the last annual report and a summary of the

stormwater activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);

- d. Proposed changes to the stormwater management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;
 - e. A description of BMPs to be implemented within new areas annexed over the past year that are located within the regulated boundaries of the MS4;
 - f. A description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs; and
 - g. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable).
2. Where to Submit. Annual reports shall be signed in accordance with Part VI, Section L.2 and sent to the Department at the following address:

Arizona Department of Environmental Quality
Compliance Data Unit
1110 West Washington
Phoenix, AZ 85007

PART VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

- 1. Failure to comply with any applicable term or condition of this permit shall be a violation of this permit and shall be grounds to enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
- 2. The issuance of this general permit does not waive any federal, state, county, or local regulations or permit requirements with which a permittee discharging under this general permit is required to comply.

B. Duty to Reapply. If a permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.

C. Continuation of an Expired General Permit.

- 1. If the Director does not reissue this general permit before the expiration date, the current general permit will be administratively continued and remain in force and effect until the general permit is reissued.
- 2. Any permittee granted general permit coverage before the expiration date automatically remains covered by the continued general permit until the earlier of:
 - a. Reissuance or replacement of the general permit, at which time the permittee shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
 - b. The date the permittee has submitted a Notice of Termination; or
 - c. The date the Director has issued an individual permit for the discharge; or
 - d. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the permittee shall seek coverage under an alternative general permit or an individual permit.

3. Upon reissuance of a new general permit, the permittee shall file an NOI, within 60 days of the effective date of the new general permit.
- D. Need to Halt or Reduce an Activity Is Not a Defense. It is not a defense for a permittee in an enforcement action to plead that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.
- E. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.
- F. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the conditions of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- G. Permit actions.
1. This general permit may be reopened (in accordance with A.A.C. R18-9-A905(3)(a) which incorporates 40 CFR 122.41(f)) to address any changes in state or federal plans, policies, or regulations that would affect the quality requirements for the discharge.
 2. This general permit may be modified by the Director before the expiration date to include discharge or receiving water limitations for toxic constituents determined to be present in significant amounts in the discharge.
 3. This general permit may be modified, revoked and reissued, or terminated for cause.
 4. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- H. Property Rights. The issuance of this general permit does not convey any property rights or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.
- I. Duty to Provide Information. The permittee must promptly furnish the Department with the following information:
1. Upon request, any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this general permit, or to determine compliance with this general permit.
 2. Upon request, copies of records required by this general permit.
 3. In the event that the permittee becomes aware that the permittee failed to submit any relevant facts in the NOI or submitted incorrect information in the NOI or in any other report to the Department, such facts or information.
- J. Inspection and Entry. The permittee shall allow the Director or the Director's designee, upon presentation of credentials and other documents as required by law, to:
1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this general permit;

2. Have access to and copy, at reasonable times, any records required by this general permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
4. Sample or monitor, at reasonable times, to assure permit compliance or as otherwise authorized under A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location.

K. Recordkeeping.

1. The permittee shall retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES or AZPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of the Department at any time.
2. The permittee shall submit its records to the Department only when specifically asked to do so. The permittee must retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to the Department. The permittee must make its records, including the notice of intent (NOI) and the SWMP, available to the public.

L. Signatory Requirements. All NOIs, NOTs, reports required by the general permit, and other information requested by the Director shall be signed as follows:

1. NOIs and NOTs:
 - a. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.
2. Reports and other information.
 - a. All reports required by this general permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described in Part VI, Section L.1 or by a duly authorized representative of that person.
 - b. A person is a duly authorized representative only if the authorization is made in writing by a person described in Part VI, Section L.1. The authorization shall specify either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the permittee.
3. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of Part VI, Section L.2.b. above must be submitted to the Department prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.
4. Certification. Any person (as defined above in Part VI, Sections L.2.a and L.2.b) signing documents under this Section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure

that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

M. Reporting.

1. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
2. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate other requirements that may be necessary to comply with the permit. (In some cases, modification or revocation and reissuance is mandatory.)
3. Other information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, the permittee shall promptly submit the facts or information.

N. Severability. The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

O. Requiring Coverage Under an Individual Permit.

1. The Director may require a person authorized by a general permit to apply for and obtain an individual permit for any of the following cases:
 - a. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - b. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - c. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - d. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - e. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - i. The location of the discharge with respect to waters of the United States,
 - ii. The size of the discharge,
 - iii. The quantity and nature of the pollutants discharged to waters of the United States, and
 - iv. Any other relevant factor.

2. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - a. A brief statement of the reasons for the decision,
 - b. An application form,
 - c. A statement setting a deadline to file the application,
 - d. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate,
 - e. The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - f. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
 3. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
 4. If the permittee fails to submit the individual permit application within the time period established in Part V, Section Q.3, the applicability of the general permit to the permittee is automatically terminated at the end of the day specified by the Director for application submittal.
 5. Coverage under the general permit shall continue until an individual permit is issued unless the general permit coverage is terminated under Part V, Section Q.4.
- P. Request For an Individual Permit.
1. An owner or operator authorized by a general permit may request an exclusion from coverage of a general permit by applying for an individual permit.
 - a. The owner or operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than March 10, 2003.
 - b. The Director shall grant the request if the reasons cited by the owner or operator are adequate to support the request.
 2. If an individual permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.
- Q. Other Environmental Laws. No condition of this general permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "take" of endangered or threatened species as prohibited by section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "take" are available from the U.S. Fish and Wildlife Service.

PART VII. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- A. Civil Penalties. A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- B. Criminal Penalties. Any a person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

PART VIII. DEFINITIONS

In addition to the definitions contained in A.R.S. 49-255 and A.A.C. R18-9-A901, all definitions contained in section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the statute or regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

Department as used in this permit, means the Arizona Department of Environmental Quality.

Discharge when used without qualification means the discharge of a pollutant,

Discharge of a Pollutant means

1. Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or
2. Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

Discharge-related activities include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater pollution.

Facility means any NPDES or AZPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES or AZPDES program.

Illicit connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES or AZPDES permit (other than the NPDES or AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities,

Indian country means:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Large or Medium Municipal Separate Storm Sewer System means all municipal separate storm sewers as defined at 40 CFR 122.26(b)(4) or (7)

MEP means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions that the state determines appropriate for the control of such pollutants.

Measurable goal means a quantitative measure of progress in implementing a component of a stormwater management program.

MS4 means municipal separate storm sewer system.

Municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):

1. Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

NOI means Notice of Intent to be covered by this permit (see Part II).

NOT means Notice of Termination.

Outfall means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States,

Owner or operator means the owner or operator of any facility or activity subject to regulation under the NPDES program.

Point source means any discernible, confined, and discrete conveyance, including but not limited to,

any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant is defined at R18-9-A901(22). A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

Significant contributors of pollutants means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

Small Municipal Separate Storm Sewer System all separate storm sewers that are:

- 1 Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- 2 Not defined as large or medium municipal separate storm sewer systems in accordance with this permit;
- 3 This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Management Program (SWMP) means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.

Waters of the United States which is interchangeable with the term “navigable waters” means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR 423, which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the

purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.



Appendix A-2 Small MS4 General Permit Fact Sheet



Fact Sheet for the Issuance of the AZPDES Small MS4 General Permit

December 19, 2002

Facilities: AZPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (small MS4s) in Arizona, except for those in Indian Country.

Background: Section 405 of the Water Quality Act of 1987 (WQA) added section 402(p) of the Clean Water Act (CWA) which required the Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. EPA published a final regulation on the first phase on this program on November 16, 1990, establishing permit application requirements for stormwater discharges from large and medium municipal separate storm sewer systems.

EPA has issued Phase I MS4 permits to the Cities of Phoenix, Mesa, Tempe, Glendale, Scottsdale, Tucson, Pima County and the highway system operated by the Arizona Department of Transportation. EPA has issued two general permits for storm water discharges associated with industrial activity. One general permit covers construction sites disturbing five or more acres (63 Fed. Reg. 7858, February 17, 1998), and a multi-sector general permit (MSGP) has been issued for other discharges associated with industrial activity (65 Fed. Reg. 64746, October 30, 2000). As of December 5, 2002, ADEQ was authorized to implement the AZPDES program in Arizona. Therefore, these permits are now considered state permits under the AZPDES program. Additionally, ADEQ intends to issue a construction general permit in February 2003 that covers construction sites disturbing one or more acres.

Final Phase II storm water regulations were promulgated by EPA on December 8, 1999 (64 Fed. Reg. 68722). These regulations set forth the additional categories of discharges to be permitted and the requirements of the program. The additional discharges to be permitted include small MS4s.

A draft AZPDES Small MS4 General Permit was developed in the fall of 2002 in conjunction with EPA Region 9. Region 9 and ADEQ jointly public noticed the draft Small MS4 General Permit in the Federal Register on September 18, 2002. ADEQ also public noticed a draft of the AZPDES Small MS4 General Permit in the Arizona Administrative Register on September 27, 2002. While the jointly noticed permit and the permit noticed by ADEQ had nearly identical requirements, the federal version of the permit varied in that it contained eligibility requirements pertaining to the Endangered Species Act, National Historic Preservation Act and Essential Fish Habitat. The AZPDES permit did not contain these eligibility requirements because the issuance of an Arizona state AZPDES permit is not a federal action.

A public meeting was held in Phoenix by EPA on October 16, 2002 to discuss both versions of the draft Small MS4 General Permit. The comment period for both permits ended on October 30, 2002. Comments were received by both EPA and ADEQ from interested parties including regulated MS4s and county associations of government. A response to comments has been issued concurrently with this permit and fact sheet.

The following provides a fact sheet for the AZPDES small MS4 general permit for discharges in Arizona except for Indian Country. Hereinafter, the terms "permit" or "small MS4 general permit" will be used. Note

also that the permit references various federal regulations. These regulations have been incorporated by reference into the state AZPDES rules in the Arizona Administrative Code (A.A.C.) R18-9-A905. As an aid to reviewers, however, the permit cites the federal regulations where specific regulatory language can be found.

I. Introduction

ADEQ is issuing the small MS4 general permit that authorizes the discharge of pollutants in municipal stormwater to waters of the United States.

II. Coverage Provided by General Permits

Section 402(p) of the Clean Water Act (CWA) states that stormwater discharges associated with industrial activity to waters of the United States must be authorized by an NPDES permit. The term “discharge” when used in the context of the NPDES/AZPDES program means the discharge of pollutants (A.R.S. § 49-255 and 40 CFR 122.2).

III. Permitted Facilities

A. Regulated Small MS4s. The following four categories of small MS4s are potentially subject to permitting under Phase II of the storm water program (A.A.C. R18-9-A905 which incorporates 40 CFR 122.32 by reference):

- MS4s operated by municipalities in urbanized areas as defined by the Census Bureau based on the 1990 or 2000 census. These MS4s must be permitted unless they receive a waiver based on the criteria discussed in Part III, Section B of this fact sheet. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more. There were six Urbanized Areas defined in Arizona in the year 2000 Census. These Urbanized Areas were named for the core city and include Avondale, Flagstaff, Phoenix, Prescott, Tucson and Yuma.

Regulated county and city MS4s subject to permitting under this condition include:

Cities	Counties
<i>Apache Junction</i>	<i>Coconino</i>
<i>Avondale</i>	<i>Maricopa</i>
<i>Cave Creek</i>	<i>Pinal</i>
<i>Chandler</i>	<i>Yavapai</i>
<i>El Mirage</i>	<i>Yuma</i>
<i>Flagstaff</i>	
<i>Gilbert</i>	
<i>Goodyear</i>	
<i>Guadalupe</i>	
<i>Litchfield Park</i>	
<i>Marana</i>	
<i>Oro Valley</i>	
<i>Paradise Valley</i>	
<i>Peoria</i>	
<i>Prescott</i>	
<i>Prescott Valley</i>	
<i>South Tucson</i>	
<i>Surprise</i>	
<i>Tolleson</i>	
<i>Youngtown</i>	
<i>Yuma</i>	

- Designated MS4s are outside urbanized areas. These MS4s can be designated

according to “designation criteria” established by the permitting authority. The permitting authority is required to apply designation criteria to municipalities which have a population of 10,000 or more and population density of 1,000/mi² or more. An MS4 may also be designated when it has a smaller population and/or less density based on the designation criteria. Permitting of these MS4s is required on a case-by-case basis based on factors such as rapid growth, high population density or adverse water quality impacts.

Designated criteria were developed jointly by ADEQ and Region 9. On November 27, 2002, Region 9 sent notification to all of the cities listed below of their inclusion in the NPDES program based on designation criteria. The designation criteria had to be applied to the four cities with a population greater than 10,000 people and a density greater than 1,000/mi² located outside of the Urbanized Areas. These cities included Douglas, Nogales, Fountain Hills and Florence. The 1990 Census showed that Douglas had a population greater than 10,000 people and a density greater than 1,000/mi². The 2000 Census added Nogales, Florence and Fountain Hills. Of these four cities, *Douglas, Nogales and Fountain Hills* were designated due to designation criteria.

Region 9 and ADEQ elected to apply the designation criteria to additional cities based on Arizona’s growth and water quality concerns. Additional cities that have been designated include *Camp Verde, Cottonwood, Lake Havasu, Sedona and Sierra Vista*. The Designation Criteria document provides further information regarding the decision to designate these cities.

- MS4s which contribute substantial pollutant loads to regulated MS4s through interconnections.

No small MS4s in Arizona were designated under this condition. ADEQ reserves the right, however, to require a permit of any small MS4 which is found to be a significant contributor of pollutants to any neighboring MS4.

- MS4s designated by petition.

Neither ADEQ nor EPA received any petitions to designate any small MS4s. Should ADEQ receive a petition, it has 180 days in which to determine whether the facility will need to apply for coverage under a permit.

B. Waivers for Small MS4s in Urbanized Areas. The Phase II regulations at 40 CFR 122.32(d) and (e), incorporated by reference into state rules at R18-8-A905, provide permitting waivers for small MS4s in urbanized areas under the following circumstances:

- **MS4s with a Population Less than 1,000** if the MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES storm water program; and if discharges include any pollutant(s) that have been identified as a cause of impairment of any receiving water body, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established “total maximum daily load” (TMDL) that addresses the pollutant(s) of concern.
- **MS4s with a Population of 1,000 to 10,000** if the permitting authority has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4 and if for all such waters, the permitting authority has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of

concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern. Pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that receives a discharge from the MS4; and

For such waivers, the permitting authority must determine that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. ADEQ does not have such information for any of these MS4s; hence, this type of waiver will not be granted and the MS4s must seek permit coverage for their discharges.

- ADEQ is authorized to, and will be granting waivers to, MS4s with a population less than 1,000, unless information is available showing that the discharges are a threat to water quality. The population (within an urbanized area) of all MS4s that are eligible to apply for coverage under this permit is over 1,000, except for the Town of Cave Creek. Thus, Cave Creek has been waived from the requirement to obtain permit coverage at this time.

C. Non-traditional Small MS4s. The definition of a small MS4 in the Phase II regulations (40 CFR 122.26(b)(16)(iii), incorporated by reference in A.R.S. R18-9-A905) includes storm sewers at facilities operated by the federal or state government (or other public entities such as a sewer or port district) such as military bases, universities, hospitals and prisons. The definition does not include facilities which consist of very discrete areas, such as an individual post office. ADEQ has termed these publicly-owned facilities that are neither counties nor cities as “non-traditional small MS4s.”

Most non-traditional small MS4s would be subject to permitting by virtue of being located within urbanized areas. The Census Bureau (www.census.gov) provides maps of urbanized areas which may be used by potentially affected facilities to determine if they are located within an urbanized area. ADEQ is not aware of any facilities of this nature which are outside an urbanized area and which have the population and population density by themselves to be potentially designated for permitting. Non-traditional small MS4s located within counties or cities that are regulated MS4s are subject to permitting, provided they have a population size greater than 1,000 people.

The Phase II regulations do not provide guidance on how to determine population for these facilities. ADEQ believes that a reasonable method to determine population is to combine the total resident population and the number of full-time workers. To determine the need to apply for coverage, facility operators should use this method to determine their population, and consider the applicability of the Phase II regulations to their specific facilities. Unless otherwise advised by ADEQ, facility operators should assume the following:

1. A permit application is required for all facilities with a population of 1,000 or more.
2. A permit application is not required for facilities with a population less than 1,000.

The non-traditional small MS4s listed below have been identified by ADEQ and Region 9 to exist within urbanized area boundaries. These facilities have been contacted by Region 9 regarding the potential applicability of Phase II stormwater rules to their stormwater discharges.

*Arizona State University
Northern Arizona University*

*University of Arizona
Arizona Department of Corrections
Yuma Marine Corps
Davis Monthan Air Force Base
Arizona State Hospital
Maricopa Community Colleges
Pima Community Colleges
Central Arizona College
Arizona Western College
Yavapai College
VA Medical Centers in Tucson and Phoenix*

D. Non-traditional Small MS4s owned or operated by a regulated city or county. County or city facilities (such as hospitals or prisons) within a permitted area for the same county or city would not need a separate permit. The discharges from these facilities would be need to be incorporated into the Stormwater Management Program implemented by the county or city as part of its permit requirements. However, if a county or city operates a facility outside its permitted area (for example, Maricopa County operates a county hospital in Chandler), the facility would need separate permit coverage.

E. Permitting Options for Small MS4s. The Phase II regulations provide three options for storm water permitting for small MS4s:

- Apply for coverage under the proposed general permit discussed in this fact sheet (or an alternate general permit if one were to be issued).
- Apply for an individual permit.
- Seek coverage as a co-permittee under an existing Phase I MS4 permit via a permit modification.

ADEQ believes that most small MS4s in Arizona will seek coverage under the general permit. However, the other options are also available to small MS4s which may believe that the terms and conditions of the general permit are not appropriate for them.

IV. Environmental Impacts of Discharges from Small MS4s

The 1987 decision by Congress to require NPDES permitting for the storm water discharges discussed above was based on a growing awareness of the environmental significance of nonpoint sources of pollutants. For example, EPA's report entitled "National Water Quality Inventory, 1998 Report to Congress" (EPA, 2000) shows that nonpoint sources, including storm water runoff, are the leading causes of existing water quality impairments.

The Nationwide Urban Runoff Program (NURP), which was sponsored by EPA in the years 1978 through 1983, also showed that storm water runoff is a significant source of pollutants (EPA, 1983). The study identified 77 priority toxic pollutants in storm water runoff discharged from residential, commercial and light industrial areas. Of these toxic pollutants, heavy metals such as copper, lead and zinc were detected most frequently and at levels of greatest concern.

For Arizona, the state's latest 305(b) Water Quality Report (Arizona Department of Environmental Quality, 2000) provides an assessment of the significance of storm water discharges in Arizona. The report shows that urban runoff is a significant contributor of pollutants in Arizona.

V. NPDES Delegation to Arizona

Region 9 approved ADEQ's NPDES delegation request on December 5, 2002. The delegation covers all discharges within the State of Arizona except for discharges in Indian country lands. The final general permit as issued by ADEQ includes references to Arizona regulations rather than EPA

regulations. The permit also does not include eligibility restrictions related to endangered species, historic properties and essential fish habitat since these requirements are based on requirements for federally-issued permits but not state-issued permits. ADEQ is the permitting authority, therefore, NOIs and other information will be required to be sent to ADEQ rather than Region 9. Region 9 will continue to have oversight of the AZPDES program including all permitting and enforcement actions.

VI. Summary of Permit Conditions

This section has been written in an informal style that does not reflect verbatim the actual language used in the permit. It is intended to help the regulated community and members of the public understand the intent and basis of the actual permit language. If any confusion or conflicts exist between this summary and the actual permit language, the permittee must comply with the permit as written. The response to comments may also serve to clarify the conditions of this permit. For additional information, please contact Karyn Moldenhauer, ADEQ Surface Water Permits Unit at (602) 771-4449.

Part I. Coverage Under This General Permit

Introduction: This permit authorizes stormwater discharges from small municipal separate storm sewer systems into waters of the U.S.. Note the AZPDES authorizing statute uses the term “Navigable Waters” which is defined as equivalent to the waters of the U.S. However, because the term ‘navigable waters’ can be confusing to the general public (i.e., the definition of ‘navigable waters’ also includes ephemeral washes, intermittent streams, playas, and wetlands, that may not be able to be traveled by conventional vessels), this permit generally references discharges to waters of the U.S. In accordance with the Federal Register December 8, 1999, the goal of this permit is to reduce or eliminate stormwater pollution from municipal activity through development and implementation of a municipality-specific Stormwater Management Program (SWMP).

- A. Permit Area.** This permit will be for all municipal stormwater discharges in the state of Arizona, except for those in Indian Country. ADEQ does not have authority for such discharges and applicants must pursue permitting through EPA Region 9 or other appropriate permitting authority.

Each permittee operating under this permit will be assigned an Authorization Number when his or her Notice of Intent (NOI) is processed. Note that the assigned number is not an AZPDES Permit Number; rather, the assigned number is for tracking purposes only. The actual permit number is AZG2002-002.

- B. Eligibility and Allowable Stormwater Discharges.** This permit authorizes all discharges of stormwater from small MS4s except those excluded under Limitations on Coverage (Part I, Section D) of the permit. Coverage under this permit is authorized for:

MS4 discharges originating from the municipalities that are regulated according to the condition listed above in Part III, Permitted Facilities.

- C. Allowable Non-Stormwater Discharges.** This permit allows municipalities to decide whether or not they will prohibit certain non-stormwater discharges from entry or release through their MS4. If the MS4 specifies which of these non-stormwater discharges they consider “allowable,” ADEQ will in most cases, accept the municipality’s decision that these allowable non-stormwater discharges are not causing or contributing to a violation of water quality standards. The permit provides a list of non-stormwater discharges that the municipality can decide whether or not to prohibit. This list came from the federal regulations. A second list may be developed by the municipality if additional occasional, incidental non-stormwater discharges are considered not to be causing or contributing to a water quality violation. If ADEQ does not object to non-stormwater discharges listed by the municipality, the

municipality will not be required to prohibit the listed types of non-stormwater discharges into its MS4. All non-stormwater discharges must be addressed in the municipality's SWMP.

- D. Limitations on Coverage.** Not all stormwater discharges from MS4s are authorized by this permit. Specifically excluded are:

Discharges Mixed With Non-Stormwater. Stormwater discharges that are mixed with non-stormwater sources, other than those identified in and in compliance with the permit are prohibited. Non-stormwater discharges that are authorized under a different NPDES/AZPDES permit may be commingled with discharges authorized under this permit.

Discharges Covered by Another Permit Stormwater discharges associated with construction activity, industrial activity or that are covered under an individual permit or discharges required to be covered under an alternative general permit are prohibited.

Discharging into Impaired Waters. Eligibility for permit coverage is dependant upon the inclusion of provisions in the SWMP that are consistent with the assumptions and requirements of the TMDL, or are protective of water quality. Also, in cases where a TMDL has not been established for a 303(d) listed water that receives municipal stormwater, the permittee must address control of pollutants of concern such as oil, grease, sediment, pesticides and metals and any other contaminants known to be common in municipal stormwater runoff.

Discharges Causing Degradation. A discharge is not allowed to be inconsistent with Arizona's anti-degradation policy. This policy addresses the degradation of waters that occurs due to a discharge. In the future, determination of consistency with this policy may involve ambient water monitoring or discharge monitoring.

Part II. Authorization Under this General Permit

- A. General.** Any municipality that is required to obtain coverage must submit a Notice of Intent to operate under the conditions of this general permit. ADEQ believes that this general permit will be used by most municipalities that require coverage. Submission of a complete and accurate NOI eliminates the need to apply for an individual permit for a regulated discharge, unless ADEQ specifically notifies the discharger that an individual permit application must be submitted.

Only NOI forms provided by ADEQ (or reproductions thereof) are valid. Applicants must be aware that by signing and dating the form they certify that they understand and are willing to comply with all terms and conditions of the AZPDES Small MS4 General Permit. Each operator must submit an NOI. For each municipality, there should be only one NOI submitted.

The SWMP must be submitted with the NOI form in order for the NOI to be considered complete. If an NOI is found to be incomplete, ADEQ will require more information before authorization to discharge under this permit is granted. A municipality will be considered authorized to discharge 30 days after the NOI is submitted. This does not guarantee that an NOI or SWMP has been reviewed by ADEQ. Therefore, although the permittee is authorized to discharge under this permit, ADEQ may review the NOI or SWMP materials at any time and require changes.

- B. Termination of Coverage.** Permittees must submit a completed Notice of Termination (NOT) that is signed according to Part VI, Section L of the permit when discharge ceases from the municipality or the operator has been changed or is no longer the operator. NOTs must be submitted using the form provided by ADEQ, or a reproduction thereof, and sent to the address specified on the form.

The operator may face enforcement action if a NOT is submitted without meeting one of the requirements of the permit unless there has been authorization under an alternative permit or a waiver for coverage under this permit has been approved.

Part III. Notice of Intent Requirements

This part of the permit covers the timing of submittal of the NOI and the information that must be provided. The general due date for the NOI is March 10, 2003. By this day, the permittee must have applied for coverage under a stormwater permit. The March 10, 2003-deadline applies to all regulated municipalities that are in the program because of their location within an Urbanized Area. The date may be different for municipalities that have been designated after December 9, 2002 or municipalities that have been given a different due date by ADEQ.

Information required as part of the NOI is indicated on the NOI form. The applicant must fill out the entire NOI form and also submit the SWMP. The information provided on the NOI form gives ADEQ information about the location of the municipality and any area-specific details that ADEQ should consider when evaluating the application materials. The SWMP that must be attached should be considered to be a description of the program that will be implemented. The detail of this description is found in Part V, Section B describing the requirements for minimum control measures.

The NOI must be signed in accordance with the signatory requirements of 40 CFR 122.22, incorporated by reference in A.A.C. R18-9-A905. A complete description of these signatory requirements is provided in Part VI, Section L of the permit.

As provided by NPDES regulations at 40 CFR 122.33(b)(1), incorporated by reference in A.A.C. R18-9-A905, if permit responsibilities are being shared with another MS4 (such as a neighboring small MS4 or a neighboring large MS4), this information must be provided in the NOI and SWMP. The SWMP is to describe the activities that are being developed or implemented by the other entity. If the small MS4 is partnering with a large MS4, the activities that will be conducted by the large MS4 on behalf of the small MS4 must be incorporated into the permit for the large MS4.

Part IV. Special Conditions. TMDLs established after Permit Issuance

This special condition is different from the TMDL condition of Part I, Section D because it addresses TMDLs that are established after permit coverage has been granted. In order to maintain permit coverage, a municipality would need to comply with this provision. This provision basically requires that a municipality incorporate any new TMDL requirements or provisions into its SWMP.

Part V. Stormwater Management Programs (SWMPs)

Applicants must submit SWMPs that develop and implement the six minimum control measures listed in Part V, Section A of this fact sheet. The permittee has five years to fully implement the management practices that will be used by the municipality to reduce or eliminate pollution from the municipal stormwater discharge.

- A. Minimum Control Measures and BMPs.** The permit requires that all dischargers covered by the permit develop and implement a SWMP. The SWMP is the means through which dischargers comply with the CWA's requirement to control pollutants in the discharges to the maximum extent practicable (MEP), and comply with the water quality related provisions of the CWA. MEP is considered to be an iterative process in which an initial SWMP is proposed and then periodically upgraded as new BMPs are developed or new information becomes available concerning the effectiveness of existing BMPs (64 Fed. Reg. 68754). The Phase II regulations at 40 CFR 122.34 set forth the following six minimum pollution control measures to be included in SWMPs.

1. Public Education and Outreach on Storm Water Impacts.
2. Public Involvement/Participation.
3. Illicit discharge detection and elimination.
4. Construction Site Storm Water Runoff Control.
5. Post-Construction Storm Water Management in New Development and Redevelopment.
6. Pollution Prevention/Good Housekeeping for Municipal Operations.

The permit includes nearly verbatim the required program elements for each minimum measure. The permit also includes additional requirements for minimum measures which were derived from the recommendations of the regulations. These provisions are included in the permit as requirements rather than recommendations to clarify and make certain the responsibilities of the permittee.

Each minimum control measure contains requirements to include descriptive information about the SWMP. The descriptive information is expected to clarify the MS4's methods for achieving pollutant reduction to the maximum extent practicable.

EPA has also developed a menu of BMPs for small MS4s which is available on EPA's website at <http://www.epa.gov/npdes/menuofbmps/menu.htm> to assist in the development of SWMPs. The menu provides detailed descriptions of BMPs which may be included in SWMPs to satisfy the requirements of the six minimum measures. As the permit requirements for Phase I MS4s are quite similar to those for Phase II MS4s, Phase II MS4s may wish to contact Phase I MS4s to gain additional insight from the experiences of Phase I MS4s.

- B. Measurable Goals.** The Phase II regulations at 40 CFR 122.34(d)(1) and the proposed general permit require that measurable goals be included with the SWMP which is submitted by small MS4s with their NOIs. The measurable goals become permit requirements once the MS4 has requested and has been granted coverage under the general permit.

Measurable goals are quantifiable measures of progress in implementing the various BMPs which comprise a SWMP. Measurable goals may consist of specific one-time only objectives such as the development of a storm water ordinance by a certain date, or they may consist of numeric objectives for the frequency of implementation of a given BMP (such as the frequency of street sweeping or catch basin cleaning). Measurable goals may also consist of specific objectives for water quality improvement over a given time period.

Measurable goals must be included for each specific BMP which is proposed to be included in the SWMP. Measurable goals were included in the Phase II regulations to ensure that the public can better evaluate the level of effort proposed by MS4s in controlling pollutants in the discharges and to ensure accountability of the MS4s.

EPA has developed a measurable goals guidance which is available on EPA's website at <http://www.epa.gov/npdes/stormwater/measurablegoals/index.htm>. Example measurable goals are provided for each of the six minimum measures to assist MS4s in the development of their own measurable goals. ADEQ recommends that this guidance be reviewed by MS4s in developing their measurable goals.

- C. Qualifying Programs.** The Phase II regulations at 40 CFR 122.34(c) recognize that state, tribal or local programs may already exist that meet the requirements of one or more of the six minimum measures. In such a case, the regulations and Part V, Section C of the permit provide that the MS4 may include the local qualifying program in the SWMP instead of developing a new program in accordance with the requirements of the minimum measure. A local qualifying program must include, at a minimum, the relevant requirements of the six

minimum measures described in the regulations at 40 CFR 122.34(b).

- D. Sharing Responsibility.** As stated above in Part III of this fact sheet, a municipality may partner with another municipality operating a small or large MS4 to implement some or all components of its SWMP. This portion of the permit addresses that right and notifies the permittee that it will be ultimately responsible for the implementation of any management practices conducted to achieve compliance with the minimum control measures, regardless of the entity actually implementing the program.
- E. Reviewing and Updating SWMPs.** This portion of the permit addresses the permittee's rights and responsibilities involved in maintaining a compliant SWMP. As stated before, the BMPs are meant to be part of an iterative process designed to reduce or eliminate pollutants. As such, the management practices selected to address each of the minimum control measures should be re-evaluated at regular intervals for effectiveness. Revision of the SWMP is an expected outcome of frequent re-assessment of the SWMP.

Updates to the SWMP may be proposed by the permittee or required by ADEQ. The permittee is not allowed to remove any BMPs from its SWMP in a modification request. However, if a permittee wishes to replace a BMP with a suitable, like BMP, the permittee may request to do so at any time, provided the supporting information is submitted as required by Part V, Section E.2.b of the permit. A permittee may at any time add a BMP to its SWMP upon written notification to ADEQ. ADEQ could require modifications to the SWMP in order to address water quality concerns. Specific requirements regarding the deadlines for complying with ADEQ's required changes are provided in Part V, Section E.4 of the permit. ADEQ reserves the right to require changes to the permit in accordance with the duties of a permitting authority as established in A.A.C. R18-9-A905 which incorporates 40 CFR 122.

Transfer of Ownership provisions address changes to the SWMP that would need to be made as the result of new management of the facility. For example, a county hospital could lose funding to operate its facility and could be handed over to a private party.

- F. Monitoring.** The Phase II storm water regulations at 40 CFR 122.34(g) require that small MS4s evaluate program compliance, the appropriateness of the BMPs in their SWMPs and progress towards meeting their measurable goals.

In complying with these requirements, ADEQ is not currently focusing on the traditional end-of-pipe monitoring which is commonly found in most NPDES permits (64 Fed. Reg. 68769). Instead, ADEQ is encouraging a mix of physical, chemical, biological, or programmatic indicators such as described in Claytor and Brown (1996).

The nature of the monitoring activities which will be implemented by permittees will largely depend on the measurable goals selected by the permittees. As discussed above, measurable goals may be measures of the level of effort of an MS4 in implementing a given BMP (such as frequency of street sweeping), or they may be measures of water quality improvement. ADEQ considers that for the initial five-year term of the general permit, most small MS4s will opt for measurable goals which consist of a given level of effort in implementing a particular BMP. As such, the monitoring activities will largely consist of keeping track of these efforts. This information must be submitted to ADEQ in the annual report described below. If stormwater monitoring is conducted by the permittee, Part V, Section F of the permit includes requirements related to representative monitoring, test procedures and reporting of results.

A permittee must evaluate the effectiveness of its SWMP on a yearly basis that corresponds with the reporting period and annual report submittal. It is expected that during this review process, the permittee will make revisions to the SWMP, propose new BMPs, and address

these revisions in the annual report. ADEQ intends to evaluate these proposals and provide the municipality with feedback regarding the appropriateness of the proposed modifications.

- G. Annual Reports.** In accordance with 40 CFR 122.34(g)(3), each permittee is required to submit a report to ADEQ on an annual basis. This report must include the information required by Part V, Section G.1 of the permit. The information required summarizes the success of BMPs at reducing or eliminating pollutants, revisions necessary to achieve reduction to the MEP, new areas of the municipality that will be subject to the SWMP and plans for the upcoming reporting period. Revisions made to the SWMP in annual reports will be reviewed by ADEQ, however, ADEQ cannot guarantee that it will be able to quickly respond to municipalities regarding the content of their revised SWMP. The revisions stated in the annual reports are therefore subject to the terms of Part II, Section A.4 of the permit which addresses the need to revise the NOI or SWMP based on ADEQ requirements. As stated before, these requirements will be based on water quality concerns.

ADEQ has established the reporting period according to the schedule for most municipal fiscal years (July 1 - June 30). ADEQ has also provided three months after the reporting period in which time the permittee will review the effectiveness of the SWMP and assemble the report that must be submitted on September 30 of each year. Therefore, each annual report must contain the required information for the period of July 1 to June 30.

Part VI. Standard Permit Condition

Although some of these conditions may not appear directly related to the small MS4 general permit, the federal regulations require all AZPDES permits to contain the standard conditions specified at 40 CFR 122.41. This section of the permit describes those conditions.

- A. Duty to Comply.** The permittee must comply with all conditions of this permit. An operator not fulfilling his or her obligations, as agreed upon by signing the NOI, is considered in violation of the permit, state statutes and the Clean Water Act and is grounds for injunctive relief, substantial monetary penalties, incarceration, changes or terminations to the permit, or denial of permit renewal.
- B. Duty to Reapply.** For general permits, this requires the permittee to comply with the instructions of the permit that would be reissued to replace this permit, in order to continue permit coverage.
- C. Continuation of the Expired General Permit.** The permit specifies procedures for continued coverage under a general permit if the permit expires prior to a replacement permit being issued. In short, the expired permit would remain in full force and effect. Any permittee granted coverage prior to the permit's expiration date will automatically remain covered by the continued permit until the earliest of:
- The permit being reissued or replaced;
 - The permittee terminating coverage by submitting a NOT;
 - Issuance of an individual permit for the permittee's discharges; or
 - A formal decision by ADEQ not to reissue the general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit. However, should the permit expire prior to a replacement permit being issued, the existing permit will only cover those operators that submitted a complete and accurate NOI and met all the eligibility requirements prior to the expiration date of the permit.

Upon re-issuance of a new general permit, the permittee shall file an NOI, within 60 days of the effective date of the new general permit.

- D. Need to Halt or Reduce Activity Not a Defense.** The permittee facing enforcement action may not use as a defense the reasoning that compliance could only be achieved by halting or reducing the permitted activity.
- E. Duty to Mitigate.** The permittee is required to take all reasonable steps to prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- F. Proper Operation and Maintenance.** The permittee must properly operate and maintain all equipment and treatment systems used by the permittee for compliance with the terms of the permit. This includes all BMPs used to achieve compliance with the terms of the permit and the SWPPP. The permittee must provide appropriate laboratory controls and quality assurance procedures as necessary. Backup systems are required when needed to ensure compliance.
- G. Permit Actions.** The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, reissuance, termination, or a notification of planned changes or anticipated noncompliance does not halt any permit condition.
- H. Property Rights.** An operator of a small MS4 does not convey his or her property rights or privileges through issuance of this permit or coverage of activity under this permit. Injury to private property or invasion of personal rights are also not authorized under this permit nor is any infringement of federal, state, or local laws or regulations.
- I. Duty to Provide Information.** The permittee must transmit any information needed to determine compliance with the permit or to modify the permit.
- J. Inspection and Entry.** The permittee must, upon presentation of valid credentials by ADEQ or its representative, allow entry into the premises where the regulated activity and/or records are present. ADEQ must have access to view and to be able to make copies of any required records, inspect facilities, practices, operations, and equipment, and sample or monitor at reasonable times.
- K. Recordkeeping.** Any samples taken must be representative of the monitored activity. Records must be retained for three years or for the term of the permit (whichever is longer) subject to extension by ADEQ. Falsification of results is a violation. This part of the permit also requires the permittee to make the NOI and SWMP available to the permitting authority and to the public.
- L. Signatory Requirements.** Applications, reports, NOIs, NOTs, or other information submitted to ADEQ must be signed and certified by a responsible officer, a general partner or proprietor of a partnership, or a principal executive officer or ranking elected official for a municipality, state, federal, or other public agency. Knowingly making false statement, representations, or certifications is subject to penalties. Other than for applications and NOIs, these reports may be signed by a duly authorized representative. A person is considered a duly authorized representative only if the authorization is made in writing by such person and submitted to ADEQ. A duly authorized representative may be either a named individual or any individual occupying a named position. The duly authorized representative is not the same as an operator, but the legally bound representative of the operator.
- M. Reporting.** The permittee must orally report to ADEQ's Water Quality Compliance staff at (602) 771-4841 any anticipated noncompliance activity that may endanger health or the environment within 24 hours. Also, if the permittee becomes aware that there was incorrect information on the NOI that was submitted, he must contact ADEQ Water Quality Permits staff

at (602) 771-4449 and report that information.

- N. Severability.** This provision establishes that any change in a part of the permit will not affect any other part of the permit or cause it to be invalidated.
- O. Requiring Coverage Under an Individual Permit.** An operator may apply for an individual permit rather than apply for coverage under this general permit. An individual application must be submitted for coverage under an individual permit with reasoning supporting the request. An individual permit can be issued by ADEQ provided that the requirement to obtain the individual permit is substantiated and the applicant has submitted a complete individual permit application for municipal stormwater discharges according to the requirements of R18-9-B901(B).

If an individual permit or alternative AZPDES permit is issued to the permittee currently covered under this general permit, coverage under the general permit is terminated on the effective date of the new permit. Alternatively, if a permittee, currently covered under the general permit, seeks coverage under an individual or alternative AZPDES permit and is denied, coverage under the general permit is terminated on the date of such denial, unless otherwise specified by ADEQ.

- P. Request for an Individual Permit.** If a permittee wishes to be covered by an individual permit, he or she must request coverage and submit a complete application as provided in R18-9-B901(B) to ADEQ by March 10, 2003.
- Q. Other Environmental Laws.** Compliance with this permit does not authorize any person to violate other environmental rules or statutes.

Part VII. Penalties for Violation of Permit Conditions

This part advises the regulated community of the appropriate legal authorities and potential penalties for non-compliance with this permit.

Part VIII. Definitions

The permit contains definitions of statutory, regulatory and other terms important for understanding the permit and its requirements.



Appendix A-3 Small MS4 Notice of Intent (NOI)

ALL REQUESTED
INFORMATION MUST
BE PROVIDED ON
THIS FORM



Arizona Department of Environmental Quality
Surface Water Section / Permits Unit
1110 W. Washington, 5415A-1, Phoenix, Arizona 85007
NOTICE OF INTENT (NOI) FOR COVERAGE
under AZPDES Permit No. AZG2002-002 for
Discharges from Small MS4s to Waters of the United States

CHECK AS APPLICABLE: NEW NOI _____ REVISED NOI _____
IF A REVISION, PROVIDE PRIOR AUTHORIZATION NO.

Applicant is:
_____ Federal _____ State
_____ Other _____

PERMITTEE (Agency Responsible for the Discharge)

Applicant's Name: _____ Phone: _____
Applicant's Mailing Address: _____
City: _____ Zip Code: _____

CONTACT PERSON

Name: _____ Phone: _____
E-mail Address: _____ Fax: _____
Contact Person's Agency and Title: _____

LOCATION INFORMATION

Name of Urbanized Area where the MS4 is located: _____

Name of county(ies) where the MS4 is located: _____

Provide the following information on the approximate center of the MS4:

Latitude: _____° _____' _____" Longitude: _____° _____' _____"

Township: _____ Range: _____ Section: _____

Is any portion of the MS4 located in Indian Country? No _____ Yes _____ If yes, name _____

Does any portion of the MS4 service a population within Indian Country? No _____ Yes _____

If yes, how many people within the Indian Country are served by your MS4? _____

Name(s) of neighboring Tribes/Counties/Cities/Towns (places that share borders with the permittee):

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

WATERSHED INFORMATION

Name of Watershed: _____

Name of Receiving Water(s):

Is the Receiving Water a 303(d) Impaired Water?
Yes _____ No _____
Yes _____ No _____
Yes _____ No _____

If any of the receiving waters are 303 (d)-listed Impaired Waters, you must complete the Impaired Water Information portion of this form.

IMPAIRED WATERS INFORMATION

If you indicated that any of the receiving waters to which you discharge are listed as a 303 (d) Impaired Water, please answer the following questions.

Is there a Total Maximum Daily Load (TMDL) for the 303(d) Impaired Water?
Yes _____ Proceed to Part A No _____ Proceed to Part B

Part A. Does the TMDL prescribe a wasteload allocation to stormwater discharge from your MS4?
Yes _____ Check the box below No _____ Proceed to Part B

_____ *I certify that the SWMP identifies specific BMPs that will be used to meet wasteload allocations. I also certify that I will monitor for pollutants for which my MS4 is assigned a wasteload allocation.*

Part B. Check the box below if the MS4 has the potential to discharge the pollutants identified on the 303(d) list.

_____ *I certify that the description of the SWMP addresses specific BMPs for reducing the discharge of 303(d)-listed pollutants.*

ADDITIONAL INFORMATION

This NOI must include the following attachments prepared as specified in Part III of the general permit.

_____ A description of your Stormwater Management Program.

Has another governmental entity agreed to satisfy any of your permit obligations?

Yes _____ If yes, check the boxes below No _____

_____ The agreement is explained in the description of your Stormwater Management Program.

_____ Written documentation of your agreement is included as an attachment.

CERTIFICATION

This certification must be signed by the appropriate party as specified in this general permit Part VI.L.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2002-002 issued by the Director."

Printed Name of Applicant's Representative: _____ Title: _____

Signature of Applicant's Representative: _____ Date: _____



Appendix A-4 Small MS4 Notice of Termination (NOT)



NOTICE OF TERMINATION
Discharges of Small MS4s to Waters of The United States
AZPDES Permit No. AZG2002-002

Submission of this Notice of Termination (NOT) constitutes notice that the party identified on this form is terminating coverage under the AZPDES general permit, and authorization to discharge stormwater to waters of the U.S. terminates at midnight on the day the NOT is post-marked for delivery to ADEQ. **ALL REQUESTED INFORMATION MUST BE PROVIDED.** Submit this form to:

Arizona Department of Environmental Quality
Surface Water Section / Permits Unit
1110 W. Washington, 5415A-1
Phoenix, AZ 85007

I. PERMIT INFORMATION

AZPDES Authorization Number _____

Name of applicant on Notice of Intent (NOI) submitted to ADEQ _____

Address of applicant on NOI submitted to ADEQ _____

___ **Check Here** if you are no longer the Owner/Operator of the facility

If checked, provide the following information concerning the new Operator/Owner:

Name: _____ Phone: _____

Contact Person: _____

Address/Location: _____

City: _____ State: |_____| Zip Code: _____

___ **Check Here** if the stormwater discharge is being terminated

___ **Check Here** if the stormwater discharge is being covered under another AZPDES individual or general permit

If checked, provide the permit number _____

II. CERTIFICATION

This certification must be signed by the appropriate party as specified in Part VI.L. of the general permit.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Printed Name: _____ Title: _____

Signature of Applicant: _____ Date: _____



Appendix B Small Construction General Permit Information



Appendix B-1 Small Construction General Permit



**STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PHOENIX, ARIZONA 85007**

**ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR DISCHARGE FROM CONSTRUCTION ACTIVITIES
TO WATERS OF THE UNITED STATES**

This permit provides Authorization to Discharge Under the Arizona Pollutant Discharge Elimination System program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code, Title 18, Chapter 9, Articles 9 and 10, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.)

This general permit specifically authorizes only discharges from construction activities in Arizona by those owners or operators who submit a complete Notice of Intent in accordance with Part III of this general permit and who comply with the general permit requirements and conditions. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit. Permit coverage is required from the 'commencement of construction activities' until 'final stabilization', as defined in Part IX.

A copy of this general permit must be kept at the construction site at all times.

This general permit becomes effective on February 28, 2003.

This general permit and the authorization to discharge expire at midnight, February 28, 2008.

Issued this 15th day of FEB, 2003.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Smith, Director
Water Quality Division

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PART I. COVERAGE UNDER THIS GENERAL PERMIT

- A. Permit Area.** This general permit covers the state of Arizona, except for Indian country.¹
- B. Eligibility.** This general permit authorizes discharges from large construction activities as defined in 40 CFR 122.26(b)(14)(x) and small construction activities as defined in 40 CFR 122.26(b)(15)(i), provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part III of this general permit. Note these and other federal regulations referenced in this permit are incorporated by reference as state rules in Arizona Administrative Code (A.A.C.) R 18-9-A905.

Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person must either apply for a separate AZPDES permit to cover the ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

C. Authorized Discharges.

1. Allowable Stormwater Discharges. An operator may discharge pollutants in:
 - a. Discharges of stormwater runoff associated with construction activities as defined in 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15)(i);
 - b. Discharges designated by the Department as requiring a stormwater permit under 40 CFR 122.26(a)(1)(v); 40 CFR 122.26(b)(15)(ii); or under 40 CFR 122.26(a)(9) and 40 CFR 122.26(b)(14)(x);
 - c. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
 - i. The support activity is directly related to a construction site that is required to have NPDES or AZPDES permit coverage for discharges of stormwater associated with construction activity;
 - ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - iii. Appropriate controls and measures covering the discharges from the support activity areas are identified in a stormwater pollution prevention plan (SWPPP);
 - d. Non-stormwater discharges as noted in Part I.C.2 or otherwise specifically allowed by the permit; and
 - e. Discharges comprised of a discharge listed in (a) through (d) above commingled with a discharge authorized by a different NPDES or AZPDES permit and/or a discharge that does not require AZPDES permit authorization.

¹The state of Arizona, Department of Environmental Quality, Water Quality Division, does not have permit authority for Indian country. Construction discharge permits for Indian country within the state must be acquired through EPA Region IX or other appropriate permitting authority.

2. Allowable Non-Stormwater Discharges. An operator may discharge the following non-stormwater discharges, provided they are not a significant source of pollutants and the operator implements appropriate BMPs to minimize pollutants discharged per Part IV.D.7.
 - a. Discharges from fire-fighting activities;
 - b. Fire hydrant flushing;
 - c. Waters used to wash vehicles where detergents are not used;
 - d. Water used to control dust, provided effluent or other wastewaters are not used;
 - e. Potable water sources including water line flushing;
 - f. Routine external building wash down where detergents are not used;
 - g. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
 - h. Uncontaminated air conditioning or compressor condensate;
 - i. Uncontaminated ground water or spring water;
 - j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
 - k. Potable water well flushing where the receiving waters are ephemeral,
 - l. Water used for compacting soil, provided effluent or other wastewaters are not used;
 - m. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
 - n. Water obtained from dewatering operations/foundations in preparation for and during excavation and construction.

D. Limitations of Coverage.

1. Post Construction Discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Post-construction stormwater discharges from industrial sites may need to be covered by a separate AZPDES permit.
2. Prohibition on Discharges Mixed With Non-Stormwater. This general permit does not authorize discharges that are mixed with sources of non-stormwater except as allowed in Part I.C.
3. Discharges Covered by Another AZPDES permit. This general permit does not authorize stormwater discharges associated with construction activity that have been covered under an individual permit or have been required to obtain coverage under an alternative general permit per Part VII.S.

4. Discharges Threatening Water Quality. This permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards or to the designated use of receiving waters. The operator must design and implement Best Management Practices (BMPs) sufficient to meet this requirement.
5. Discharging into Impaired Receiving Waters. An operator is not automatically eligible to discharge under this permit if the site is within 1/4 mile of receiving waters and/or tributaries listed as impaired under 303(d) of the Clean Water Act.
 - a. To receive approval, the Notice of Intent and SWPPP shall be submitted to the Department for review to determine whether the SWPPP and the selected BMPs are sufficiently protective of water quality. The SWPPP must specifically identify BMPs and/or other controls that will minimize discharge of pollutants from the site. The SWPPP shall include a proposal for monitoring to determine if BMPs and controls are effective.
 - b. If a discharge contains pollutants for which a TMDL has been established, the SWPPP must specifically identify BMPs and/or other controls necessary to ensure the discharges will be consistent with the provisions of the TMDL.
 - c. If the operator receives a notification from ADEQ stating that there are concerns with the SWPPP, the operator must revise it so that there is greater assurance that the discharge will not cause or contribute to non-attainment of SWQS. Prior to approval, the Department may require that specific controls or monitoring be implemented or specific BMP design criteria be followed.
 - d. Within 32 business days of receipt, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP needs revisions; or 3) there is cause for eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.
6. Discharging into Unique Waters. An operator is not automatically eligible to discharge under this permit if the site is within 1/4 mile of receiving waters or their tributaries listed as unique in R18-11-112.
 - a. To receive approval, the Notice of Intent and SWPPP shall be submitted to the Department for review to determine whether the SWPPP and the selected BMPs are sufficiently protective of water quality. The SWPPP must specifically identify BMPs and/or other controls that ensure the discharges will minimize discharge of pollutants from the site and that no degradation of the receiving water will occur. The SWPPP shall include a proposal for monitoring to determine if BMPs and controls are effective.
 - b. If the operator receives a notification from ADEQ stating that there are concerns with the SWPPP, the operator must revise it so that there is greater assurance that SWQS will be met. Prior to approval, the Department may require that specific controls or monitoring be implemented or specific BMP design criteria be followed.
 - c. Within 32 business days of receipt, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP needs revisions; or 3) there is cause for an eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.

E. Waivers for Small Construction Activities. There are two scenarios under which the Department may exempt a small construction operator from the requirement to obtain coverage

under a stormwater permit. These exemptions are predicated on certain criteria being met and proper application procedures being followed:

1. Low Erosion Potential. The small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) must be less than 5 during the **entire** period of construction activity. The applicant must certify to the Department that construction activity will occur only when the rainfall erosivity factor is less than 5. The erosivity factor must be calculated using EPA approved methods or by using ADEQ's Smart NOI database. If the operator calculates this number, the calculation and methods used must be submitted on the waiver form.

The period of construction activity begins at initial earth disturbance and ends with final site stabilization. The operator must submit a Permit Waiver Certification form to the Department before commencing construction activities in accordance with Part III.B. If construction activity will continue past the date specified in the certification, the applicant must follow the recertification requirements in Part III.B.3.

Note: The rainfall erosivity factor is based on Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997. This information is available on EPA's web site at <http://www.epa.gov/owm/sw/>.

2. Total Maximum Daily Load. Stormwater controls are not needed when an EPA-approved "total maximum daily load" (TMDL) indicates that receiving water quality will not be impacted by discharges from small construction sites. The TMDL must specifically address the pollutant(s) of concern and conclude that waste load allocations for small construction sites are unneeded to protect water quality, expected growth in pollutant contributions from all sources, and a margin of safety. The applicant must certify to the Department that all construction activity and stormwater discharges will occur within the drainage area addressed by the TMDL. An exemption from the requirements of this permit on the basis of a TMDL must be obtained directly from the Department in accordance with Part III.B.4 and requested at least 32 business days before any construction occurs.
3. Additional Condition for Exemption. Persons that are not required to file for permit coverage per this section, must operate exempt construction sites in a manner that minimizes pollutants in the discharges. In the event discharges from the site may cause or contribute to non-attainment of water quality standards, ADEQ may require the operator to obtain permit coverage.

PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT

- A. **Application for Coverage**. A person may be authorized to discharge under this permit only if the stormwater discharge is associated with construction activities from the project site. An applicant seeking authorization to discharge under this general permit shall:

1. Meet the eligibility requirements under Part I.B;
2. Develop and implement a SWPPP that meets Part IV of this permit and that covers either the entire site or all portions of the site for which the person is an operator. A "joint" SWPPP may be developed and implemented as a cooperative effort where there is more than one operator at a site. The SWPPP must be prepared prior to submission of the Notice of Intent (NOI) and must be implemented prior to the start of construction; and

3. Submit to the Department a complete and accurate NOI Form in Appendix A (or a photocopy/reproduction). Other NOI options (i.e., electronic submission) may also be used if the Department notifies dischargers of alternatives either directly, by public notice, or by making information available on the internet. If the facility has the potential to discharge to a municipal separate storm sewer system (MS4), the applicant must also forward a copy of the completed NOI to the owner/ operator of the MS4 system at the time it is submitted to the Department.
 - a. Whenever the operator changes or another is added during the construction project, the new operator must also submit an NOI to be authorized under this permit.
 - b. Only one NOI need be submitted to cover all of one operator's activities on the common plan of development or sale (e.g., the operator does not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the SWPPP covers each area for which the operator has control).
 - c. If discharges to a unique or impaired water are proposed, the SWPPP must be submitted along with the NOI.
4. Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by the Department that the operator has met the eligibility requirements for the permit. Discharges are not authorized if ADEQ notifies the operator that further evaluation is necessary, or the discharges were never eligible for coverage under this permit.

B. Effective Date of Permit Coverage.

1. Discharges to Impaired or Unique Waters. Applicants with a discharge that may reach impaired or unique waters are not authorized under this permit for a minimum of 32 business days following receipt of the NOI and SWPPP. ADEQ may notify operators within this time-frame that there is cause for SWPPP amendment, or denial of coverage as specified in Parts 1.D.5 and 1.D.6 of this permit. If notification is not received in the 32 business day time-frame, the operator may assume coverage under this permit.
2. Incomplete NOI Submitted.
 - a. If ADEQ notifies the operator that an NOI is incomplete or incorrect, the operator must resubmit an amended NOI if the operator still intends to obtain coverage under this permit.
 - b. Whether or not ADEQ notifies the operator of a deficiency in the NOI, discharges are not authorized under this permit if the operator submits an incomplete or incorrect NOI.
3. NOIs Requiring Additional Evaluation. ADEQ may inform an operator that authorization to discharge will not occur for up to 32 business days in the event that screening of any NOI provides information requiring further evaluation. This notification may be made either in writing, electronically, by fax or phone contact. The notification typically will be made within 2 business days after receipt of the NOI. Operators who receive notice of a delay in coverage may discharge 32 business days after the date the NOI is received unless further notice is received from ADEQ during this time-frame. Such further notice may confirm authorization to discharge or deny permit coverage and require an application for individual permit.
4. Routine Coverage. Except as provided in B.1 through B.3. above, all eligible operators are authorized to discharge stormwater from construction activities under the terms and

conditions of this permit two business days after the date that a complete and accurate NOI is received (see definitions) by ADEQ's Water Quality Division. Sections B.1 and B.3 above, do not apply to operators of on-going construction projects that were authorized to discharge under the 1998 construction general permit (63 FR 7858, February 17, 1998 for EPA Region 9), and that comply with the conditions of Part III.C.2.

C. Terminating Coverage.

1. The operator shall submit a complete and accurate Notice of Termination (NOT) to the Department within 30 days after any of the following conditions have been met:
 - a. Final stabilization has been achieved on all portions of the site for which the operator is responsible;
 - b. Another operator has assumed control according to Part VII.K.3 over all areas of the site that have not been finally stabilized; or
 - c. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association).
2. The operator shall use the Notice of Termination (NOT) form in Appendix C (or a copy/reproduction). Other NOT options (i.e., electronic submission) may also be used if the Department notifies dischargers of alternatives either directly, by public notice, or by making information available on the internet. The NOT shall include:
 - a. The NPDES or AZPDES permit number for the stormwater discharge identified by the NOT;
 - b. The basis for submission of the NOT;
 - c. The name, address, and telephone number of the operator submitting the NOT;
 - d. The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
 - e. The latitude and longitude of the construction site: and
 - f. The following certification, signed by a qualified signatory as defined in Part VII.K.2 of this permit and the name and title of the person who signs. For construction projects with more than one operator, the operator must only make this certification for those portions of the construction site where he was authorized under this permit and not for areas where he was not an operator:

"I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES or AZPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

For the purposes of this certification, 'elimination of stormwater discharges associated with construction activity' means that final stabilization (as defined in Part IX) has been completed for disturbed soils or that all stormwater discharges associated with construction activities have otherwise been eliminated, from the portion of the construction site where the operator had control.

3. If the facility is located within a municipal separate storm sewer system (MS4), the operator must also forward a copy of the completed NOT to the operator of the MS4 system at the time it is submitted to the Department.
4. Authorization to discharge terminates at midnight on the day a complete and accurate NOT is received by the Department.

PART III. NOTICE OF INTENT REQUIREMENTS

Important: The operator must read and understand all the conditions and requirements of this permit before submitting either of the applications described in Part III, Sections A and B.

A. Notice of Intent (NOI) Requirements. Construction site owners or operators who intend to seek authorization for their stormwater discharges under this general permit must submit a complete and accurate AZPDES NOI form to the Department. If the operator desires, or is required, to obtain an individual stormwater permit by ADEQ, the operator cannot use an NOI for this purpose. Instead, the operator must contact the Department for the proper application procedure. The NOI form contains the following information:

1. The name, address, and telephone number of the construction site operator;
2. Whether the operator is a federal, state, tribal, private, or other public entity;
3. The type of project and whether the project is part of a greater plan of development;
4. The name (or other identifier), address, county of the construction project or site;
5. An accurate latitude/longitude of the construction project or site at the point nearest to the receiving water;
6. Whether the site is located on Indian Country lands;
7. Confirmation that a SWPPP has been developed and will be implemented prior to commencement of construction activities;

Note: Except for discharges to unique or impaired waters, DO NOT include copies of SWPPPs, local plans, or permit language with the NOI submission.

8. The location where the SWPPP may be viewed and the name and telephone number of a contact person for scheduling viewing times;
9. The name of the receiving water(s).
10. The name of the municipal separate storm sewer system or any privately owned conveyance into which you have a potential to discharge, if applicable;
11. Estimates of the total project acreage and the acreage to be disturbed by the operator

submitting the NOI, to the nearest ½ acre;

12. The operator's estimated project start and completion dates;
13. Any non-stormwater discharges expected to be associated with construction activities at the site;
14. Whether the project has or will need any other environmental permits or approvals, including subdivision approvals and 404 permits, and the permit number, if applicable;
15. If a linear project, the operator shall state whether any portion is within 1/4 mile of an impaired or unique water; and
16. The following certification statement, signed and dated by a qualified signatory, as defined in Part VII.K.1, and the name and title of the person who signs:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons direction responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2003-001 issued by the Director."

B. Permit Waivers for Small Construction Projects.

1. Exempt Coverage. An operator of a small construction activity may be exempted from obtaining coverage under a stormwater permit based on:
 - a. A total maximum daily load (TMDL) determination for the receiving waterbody. See Part III.B.4 for how to apply for this waiver.
 - b. A low potential for soil erosion during the active construction phase of the project. Low potential for erosion is defined as a rainfall erosivity (R) factor of less than 5 as calculated per the Method specified in EPA Fact Sheet 3.1, EPA 833-F-00-014 (which can be accessed via ADEQ's website) or determined by ADEQ's "Smart NOI" website. To be granted this exemption, a small construction operator must submit a Permit Waiver Certification form.

Note: Construction activities that will disturb 5 acres or greater cannot be exempted from stormwater permitting requirements. Also, construction activities that disturb less than 5 acres, but the parcel is part of a greater (5 acres or more) common plan of development or sale can not be exempted. Additionally, should a calculated erosivity factor conflict with the factor calculated by the Smart NOI website, the Department shall rely on the website for the final determination.
2. The Permit Waiver Certification Based on Low Erosion Potential. An operator of a construction activity that is eligible for a waiver based on low erosivity potential must provide the following information on the Waiver Certification Form:
 - a. The name, address, and telephone number of the construction site operator(s);

- b. The name (or other identifier), address, county, of the construction project or site;
 - c. A complete and accurate latitude/longitude of the construction project or site;
 - d. Project start and completion (final stabilization) dates
 - e. Estimates of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest ½ acre;
 - e. If there is any potential for discharge through a municipal separate storm sewer system, the name of the municipal operator of the storm sewer;
 - f. Verification that the rainfall erosivity factor calculation that applies to the active construction phase at the project site is less than five (5) calculated either per the Method specified in EPA Fact Sheet 3.1, EPA 833-F-00-014 which can be found via ADEQ's website, or the Arizona "Smart NOI" system;
 - f. The certification statement, signed by a qualified signatory as defined in Part VII.K.1.
3. Recertification Requirements. If the small construction project continues beyond the projected completion date given on the Permit Waiver Certification, the operator must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, the operator may resubmit the Permit Waiver Certification form with all applicable inputs updated. The new Permit Waiver Certification form must be received at ADEQ at least two business days before the project completion date indicated on the original Permit Waiver Certification form to assure the exemption from permitting requirements is uninterrupted. If the new R factor is five or above, the operator must prepare a SWPPP and submit an NOI as required under Part III, Sections A and E.
4. Applying for the Total Maximum Daily Load Exemption. If an operator believes that a TMDL-based exemption from permitting requirements applies to the construction project as per Part I.E.2, the operator must directly contact the Department at least 32 business days prior to commencing construction activities. The Department will assess the validity of the exemption claim, and grant the exemption if justified. The Department will send the operator a written notice of the determination.

C. Deadlines for Notification.

1. New Projects.
 An operator of a large construction project must ensure the Department receives a NOI at least two business days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
- An operator of a small construction project starting on or after March 10, 2003, must ensure the Department receives a NOI or Erosivity Waiver at least two business days prior to the commencement of construction activities.
2. Ongoing Large Construction Projects. Operators of large construction projects ongoing as of the effective date of this permit, that received authorization to discharge for these projects under the 1998 construction general permit (63 FR 7858, February 17, 1998 for EPA Region 9), must:
- a. Submit a complete and accurate NOI within 90 days of the effective date of this

permit. If the operator is eligible to submit a Notice of Termination (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted;

- b. For the first 90 days from the effective date of this permit, continue to comply with the terms and conditions of the 1998 construction general permit; and
- c. Update the SWPPP, as necessary, to comply with the requirements of this permit within 90 days after the effective date of this permit.

3. Ongoing Small Construction Projects. Operators of ongoing small construction projects must:

- a. Submit a NOI within 90 days of the effective date of this permit;
- b. For the first 90 days from the effective date of this permit, comply with the terms and conditions of all applicable local erosion and sediment control requirements; and
- c. Develop and implement a SWPPP that complies with the requirements of this permit within 90 days after the effective date of this permit. If the construction is completed and final stabilization achieved before the 90th day, submittal of an NOI and development of a SWPPP is not required.

4. Changes in Operators. For construction projects where the operator changes, including instances where an operator is added after an NOI has been submitted, the new operator must ensure the NOI is received by the Department at least two business days before assuming operational control over site specifications or commencing work on-site.

D. Late Applications. The operator is only permitted for discharges that occur after a complete and accurate NOI is received by ADEQ. In the absence of a Permit Waiver Certification submittal, the Department will assume that the operator was supposed to have applied for coverage under the construction general permit. The Department reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and either discharge authorization is granted, denied, or a complete and accurate Permit Waiver Certification is submitted.

E. Where to Submit. The applicant shall submit the NOI (application) to:

Arizona Department of Environmental Quality
Water Permits Section/Stormwater NOI (5415B-3)
1110 W. Washington Street
Phoenix, Arizona 85007
or fax to (602)771-4674

Other electronic submission options may become available at a future date.

F. Notification to Receiving MS4s/Local Authorities. If the facility has the potential to discharge to a MS4, the applicant must also forward a copy of the completed NOI to the owner/operator of the MS4 system at the time it is submitted to the Department. Also, an operator who is operating under an approved local sediment and erosion plan, grading plan or stormwater management plan, shall submit a signed copy of the NOI to the local authority upon their request.

PART IV. STORMWATER POLLUTION PREVENTION PLANS (SWPPPs)

A. General Information. The operator must prepare a Stormwater Pollution Prevention Plan (SWPPP) before submitting the NOI for permit coverage. At least one SWPPP must be developed for each construction project or site covered by this permit. The operator must implement the SWPPP as written from initial commencement of construction activity until final stabilization is complete. The SWPPP must be prepared and implemented in accordance with good engineering practices and must:

1. Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
2. Identify, describe and ensure implementation of BMPs that will be used to reduce the amount of pollutants in stormwater discharges from the construction site; and
3. Assure compliance with the terms and conditions of this permit.
4. Identify responsible party for on-site SWPPP implementation.

B. SWPPP Requirements for Different Types of Operators. An operator may meet one or both of the operational control components in the definition of "operator" in Part IX. Either Section IV.B.1 or B.2, or both, will apply depending on the type of operational control one exerts over the site. Section IV.B.3 applies to all operators who have control over only a portion of a construction site.

1. Operators with Operational Control Over Construction Plans and Specifications must ensure that:
 - a. The project specifications meet the minimum requirements of this Part and all other applicable conditions;
 - b. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
 - c. All other operators implementing portions of the SWPPP impacted by any changes made to the plan are notified of such modifications in a timely manner; and
 - d. The SWPPP indicates the name(s) of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.
2. Operators With Control Over Day-to-Day Activities must ensure that:
 - a. The SWPPP meets the minimum requirements of this Part and identifies the parties responsible for implementation of control measures identified in the plan;
 - b. The SWPPP indicates areas of the project where each operator has operational control over day-to-day activities; and
 - c. The SWPPP indicates the name(s) of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).

3. Operators With Control Over Only a Portion of a Larger Project (e.g., one of four homebuilders in a subdivision), are responsible for compliance with the terms and conditions of this permit as it relates to the activities on his/her portion of the construction site (including implementation of BMPs and other controls required by the SWPPP). Operators must ensure either directly or through coordination with other operators, that activities do not render another party's pollution control ineffective. All operators must either implement their portion of a common SWPPP or develop and implement their own SWPPP:

C. Contents of a SWPPP: Site and Activity Description.

1. Identification of Operators. The SWPPP must identify all operators for the project site, and the areas over which each operator has control.
2. Site Description. The SWPPP must describe the nature of the construction activity, including:
 - a. A description of the project and its intended use after the NOT is filed (e.g. low density residential, shopping mall, highway, etc.)
 - b. A description of the intended sequence of activities that disturb soils at the site (e.g., grubbing, excavation, grading, utilities, and infrastructure installation);
 - c. The total area of the site, and an estimate of the total area of the site expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;
 - d. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil and any existent data on the quality of any discharge from the site; and
 - e. A general location map (e.g., U.S.G.S. quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and the receiving waters within one mile of the site.
3. Site Map. The SWPPP must contain a legible site map completed to-scale, showing the entire site, that identifies:
 - a. Directions of stormwater flow (e.g., use arrows to show which ways stormwater will flow) and approximate slopes anticipated after major grading activities;
 - b. Areas of soil disturbance and areas that will not be disturbed;
 - c. Locations of structural and nonstructural controls identified in the SWPPP;
 - d. Locations where stabilization practices are expected to occur;
 - e. Locations of off-site material, waste, borrow areas, or equipment storage areas;
 - f. Locations of all surface water bodies (including wetlands);
 - g. Locations where stormwater discharges to a surface water (including ephemeral waters or dry washes) and to MS4s;

- h. Locations and registration numbers of on-site drywells; and
 - i. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
4. Receiving Waters. The SWPPP must identify the nearest receiving water(s), including ephemeral and intermittent streams, dry sloughs, arroyos. If applicable, the SWPPP must also identify the areal extent and describe any wetlands near the site that could be disturbed or that could potentially receive discharges from disturbed areas of the project.
 5. Summary of Potential Pollutant Sources. The SWPPP must identify the location and describe any stormwater or non-stormwater discharges at the site associated with activity other than construction and other pollutant sources such as fueling operations, materials stored on-site, waste piles, etc.. This also includes discharges from dedicated asphalt plants and dedicated concrete plants that are covered by this permit.
 6. Off-site Material Storage. The SWPPP must identify and address offsite material storage areas or borrow areas used solely by the operator's project.

D. Contents of a SWPPP: Controls to Reduce Pollutants

1. Stormwater Controls. The SWPPP must describe all pollution control measures (i.e., BMPs) that will be implemented as part of the construction project to control pollutants in stormwater discharges. For each major activity identified in the project description, the SWPPP must clearly describe appropriate control measures; the general sequence during the construction process that the measures will be implemented; and which operator is responsible for the control measure's implementation.

Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and must be addressed in the SWPPP.

2. Erosion and Sediment Controls. The SWPPP must address the following:
 - a. Design. Erosion and sediment controls shall be designed to retain sediment on site to the extent practicable.
 - b. Selection, Installation, and Maintenance. All control measures must be properly selected, installed, and maintained per the manufacturers' specifications and good engineering practices. If periodic inspections or other information is discovered that indicates a control has been used inappropriately, or installed incorrectly, the operator must replace or modify the control for site situations as soon as practicable and before the next anticipated storm event.
 - c. Offsite Accumulation of Sediment. When sediment escapes the construction site, offsite accumulations of sediment must be routinely removed and at a frequency sufficient to ensure no adverse effects on water quality.
3. Good Housekeeping. The SWPPP must describe good housekeeping procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges.
4. Stabilization Practices.

- a. Description and Schedule. The SWPPP must include a description of and identify interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. The SWPPP shall document where any existing vegetation is to be preserved.
 - b. Deadlines for Stabilization. The operator must initiate stabilization measures within 14 days in portions of the site where construction activities have temporarily or permanently ceased, except:
 - i. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 - ii. Where construction activity on a portion of the site is temporarily ceased, but earth disturbing activities will be resumed in that area within 14 days. In this event, temporary stabilization measures do not have to be initiated on that portion of site.
 - iii. When the site is using vegetative stabilization but is located in an area with an average annual rainfall of < 20 inches **and** it is during seasonally arid conditions, vegetative stabilization measures must be initiated as soon as practicable.
 - iv. When the site is using vegetative stabilization but is located in other areas of the state experiencing drought conditions (see definitions), vegetative stabilization measures must be initiated as soon as practicable.
 - c. Records of stabilization. The operator must maintain the following records as part of the SWPPP:
 - i. Dates when major grading activities occur;
 - ii. Dates when construction activities temporarily or permanently cease on a portion of the site; and
 - iii. Dates when stabilization measures are initiated and completed and reasons for delay, if applicable, under IV.D.4.b.
5. Structural Practices. The SWPPP must describe structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Placement of structural practices in floodplains shall be avoided to the degree attainable. A combination of sediment and erosion control measures is required to achieve maximum pollutant removal.
- a. Sediment Basins.
 - i. For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, must be provided where attainable until final stabilization of the site. Where no calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into

a common location it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on site, etc. If "non-attainability" is claimed, then an explanation of that non-attainability shall be included in the SWPPP. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations preclude a safe design.

- ii. For drainage locations that serve 10 or more disturbed acres at one time and where a sediment basin meeting the provision of Part IV D.5.a.1 is not attainable, smaller sediment basins and/or sediment traps shall be used. Where a sediment basin is not attainable, silt fences, vegetative buffer strips, or alternatives which achieve effective sediment control are required for all down slope boundaries of the construction area (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
 - iii. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps shall be used. Silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided.
- b. Velocity dissipation devices. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).
6. Post-construction Stormwater Management. The SWPPP must include a description of post-construction storm water management measures that will be installed during the construction process to control pollutants in stormwater discharges after construction operations have been completed. Structural measures shall be placed on upland soils to the degree attainable. Such measures must be designed and installed consistent with applicable local or state stormwater management requirements.

Note: The installation of these devices may also require a separate permit under section 404 of the Clean Water Act. The operator is only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and is not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, post-construction stormwater BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate AZPDES permit.

7. Non -Stormwater Discharge Management.
The SWPPP must identify all allowable sources of non-stormwater discharges listed in Part I.C.2 of this permit except for flows from fire fighting activities. Non-storm water discharges are to be eliminated or reduced to the extent feasible. The operator must implement appropriate BMPs to minimize pollutants in any non-stormwater discharges

and must describe those BMPs in the SWPPP. Except if used in emergency firefighting, superchlorinated wastewaters must be held on-site until the chlorine dissipates, or otherwise dechlorinated prior to discharge.

8. Other Controls. The SWPPP must describe:

- a. Measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the Clean Water Act;
- b. Measures to minimize off-site vehicle tracking of sediments, to the extent practicable, and the generation of on-site dust;
- c. Construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP must also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices;
- d. Any pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants and any other non-construction pollutant sources), with details of controls and measures that will be implemented at those sites to minimize pollutant discharges; and
- e. Measures to sufficiently stabilize soil at culvert locations to prevent the formation of rills and gullies during construction.

E. Maintenance.

1. All erosion and sediment control measures (BMPs) and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as practicable and before the next anticipated storm event.
2. If existing BMPs need to be modified or additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next storm event is impracticable, alternative BMPs shall be implemented as soon as practicable.
3. The operator must remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

F. Permit Related Records. The operator must include a copy of this permit; the NOI that was submitted to the Department; and a copy of the certificate received from the Department specifying the authorization number in the SWPPP. If other agreements with any state, local, or federal agencies exist that would affect the provisions or implementation of the SWPPP, the SWPPP must include copies of those agreements.

*Note: The confirmation of coverage letter the operator will receive from the Department assigning the permit authorization number is **not** the permit - it merely acknowledges that the NOI has been accepted and the operator has been authorized to discharge subject to the terms and conditions of this general permit.*

G. Applicable federal, State, or Local Programs.

The SWPPP must be consistent with all applicable federal, State, or local requirements for soil

and erosion control or stormwater management. The SWPPP may incorporate by reference the appropriate elements of plans required by other agencies. A copy of any requirements incorporated by reference shall be included as an attachment to the SWPPP. The SWPPP must be updated as necessary to remain consistent with any revisions made to such requirements.

H. Inspections.

1. Routine Inspection Schedule. The operator must ensure routine inspections are performed at the site to ensure that BMPs are functional and that the SWPPP is being properly implemented. The operator must specify an inspection schedule in the SWPPP and may choose either of the following:
 - a. The site will be inspected at least once every 7 calendar days, or
 - b. The site will be inspected at least once every 14 calendar days, and also within 24 hours of the end of each storm event of 0.5 inches or greater.
2. Reduced Inspection Frequency. When any of the following conditions apply:
 - a. The site has been temporarily stabilized;
 - b. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists); or
 - c. Construction is in an area of the state that receives < 20 inches of average annual rainfall and construction is occurring during the seasonal dry period;

The operator is required to routinely inspect only once each month, and anytime rain is predicted, and within 24 hours of the end of each storm event of 0.5 inches or greater.

3. Inspectors. Inspections must be done by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess conditions at the site that could impact stormwater quality and the effectiveness of the BMPs selected to control the quality of the stormwater discharges.
4. Scope of Inspections. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the drainage system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that the inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of offsite sediment tracking. All BMPs and areas inspected and the conditions found must be documented.
5. Compliance Evaluation Report. For each inspection, the operator shall complete an inspection report. At a minimum the report must include:
 - a. The inspection date;

- b. Name(s) and title(s) and qualifications of person(s) making the inspection. Qualifications must either be on/attached to the report or alternatively, if the SWPPP documents the qualifications of the inspectors by name, that portion of the SWPPP may be referenced.
 - c. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection), including best estimate of the beginning of each storm event, duration of each event, time elapsed since last storm event, and approximate amount of rainfall for each event (in inches);
 - d. Location(s) of discharges of sediment or other pollutants from the site;
 - e. Location(s) and identification of BMPs that need to be maintained; failed to operate as designed or prove inadequate;
 - f. Location(s) where additional BMPs that do not exist at the time of inspection are needed;
 - g. Corrective actions required, including any changes to SWPPP necessary and implementation dates;
 - h. Identification of all sources of non-storm water and the associated pollution prevention control measures; and
 - i. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.
6. Maintaining Inspection Records. The operator must ensure the inspection report and record of any follow-up actions taken is retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. Inspection reports must identify any non-compliance with the conditions of this permit. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is being operated in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part VII.K. of this permit.
7. Follow-Up Actions. Based on the results of the inspection, the operator must modify the SWPPP to include additional or modified BMPs designed to correct problems identified. The operator must complete revisions to the SWPPP within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.
- I. Maintaining an Updated SWPPP.** The operator must amend the SWPPP within 15 business days whenever:
- 1. There is a change in design, construction, operation, or maintenance at the construction site that has a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP; or
 - 2. During inspections, monitoring if required, or investigations by the operator or by local, state, MS4, or federal officials, it is determined the discharges are causing or contributing to water quality exceedances or the SWPPP is ineffective in eliminating or

significantly minimizing pollutants in stormwater discharges from the construction site.

J. Signature, Plan Review, and Making Plans Available.

1. The operator must sign the SWPPP in accordance with Part VII.K, and retain the plan on-site at the construction site or other location easily accessible during normal business hours.
2. The operator must post a sign or other notice near the main entrance of the construction site with the following information:
 - a. The NPDES or AZPDES authorization number for the project or a copy of the NOI if an authorization number has not yet been assigned,
 - b. The name and telephone number of a local office or site contact person,
 - c. A brief description of the project, and
 - d. The location of the SWPPP if the site is inactive or does not have an on-site location to store the plan, and the name of a contact person for accessing the SWPPP.
3. Upon request, the operator shall provide a copy of the SWPPP to the Department, or to any other state, federal, local agency, tribal authority, or operator of a municipal separate storm sewer (MS4) that receives discharges from the site or that approves sediment and erosion plans, grading plans, or stormwater management plans.
4. The operator shall keep the SWPPP on-site or locally accessible and available, in its entirety, to the Department, local authority, or EPA for review and copying at the time of an on-site inspection.
5. Any other person may make a written request to the Department for access to a copy of the SWPPP. In this event, the Department shall request and the operator shall provide within 14 calendar days, a copy for ADEQ to make available for public review.

K. Deficiencies in the SWPPP. The Department may notify the operator at any time that the SWPPP does not meet one or more of the requirements of this Part. The notification must identify the provisions of this permit that are not being met and parts of the SWPPP that require modification. Within 15 business days of receipt of the notification from the Department (or as otherwise provided by the Department), the operator must make the required changes to the SWPPP and submit to the Department a written certification that the requested changes have been made. The Department may request re-submittal of the SWPPP to confirm all deficiencies have been adequately addressed. The Department may also take appropriate enforcement action for the period of time the operator was operating under a plan that did not meet the minimum requirements of this permit.

PART V. SPECIAL CONDITIONS

A. Hazardous Substances or Oil. The operator must prevent or minimize the discharge of hazardous substances or oil in the discharge(s) from the construction site in accordance with the SWPPP. This permit does not relieve the operator of the reporting requirements under 40 CFR 110, 40 CFR 117 and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- B. Releases in Excess of Reportable Quantities.** Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs which has a potential to impact any stormwater discharges authorized under this permit.

The operator must modify the SWPPP within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, SWPPPs must identify measures to prevent the reoccurrence of the releases and to respond to such releases.

- C. Spills.** This general permit does not authorize the discharge of any substance resulting from on-site spills, or oil or chemicals.
- D. Non-Attainment of Water Quality Standards After Authorization.** At any time after authorization, the Department may determine that an operator's stormwater discharges may cause or contribute to non-attainment of any applicable water quality standards. If the Department makes such a determination, ADEQ shall notify the operator in writing. In response the operator shall develop a supplemental BMP action plan describing SWPPP modifications to address the identified water quality concerns; or submit an individual permit application. If ADEQ's written notice requires a response, failure to timely respond constitutes a permit violation. All responses provided under this part must be certified in accordance with Part VII.K of this permit.
- E. Continuation of the Expired General Permit.** If the Director does not reissue this general permit before the expiration date, it will be administratively continued and remain in force and effect. Any operator granted general permit coverage before the expiration date will automatically remain covered by the continued general permit until the earlier of:
1. Reissuance or replacement of the general permit, at which time the operator shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
 2. The date the Director receives the operator's Notice of Termination; or
 3. The date the Director issues an individual permit for the project's discharge; or
 4. The date the Director issues a formal permit decision not to reissue this general permit, at which time operators must seek coverage under an alternative general permit or an individual permit.

PART VI. RETENTION OF RECORDS

- A. Documents.** The operator shall retain copies of SWPPPs and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, for at least three years from the date of final stabilization of the site. ADEQ may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard 3-year retention period.
- B. Accessibility.** The operator shall retain a copy of the SWPPP (including a copy of the permit) at the construction site (or other local location accessible to the Department and other parties identified in Section IV.K) from the date of commencement of construction activities to the date of NOT submittal. Operators with day-to-day control over SWPPP implementation must have a copy of the SWPPP available at a central location on-site for the use of all operators and those

identified as having responsibilities under the SWPPP whenever they are on the construction site.

- C. Addresses.** All written correspondence concerning discharges covered under this permit, must be sent to the Department at the address specified in Section III.E.

PART VII. STANDARD PERMIT CONDITIONS

- A. Duty to Comply.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(a)(1) and A.R.S. §§ 49-261, 262, 263.01, and 263.02.]

1. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
2. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.
3. The operator shall comply with the effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulation that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

- B. Duty to Reapply.** [R18-9-A905 which incorporates 40 CFR 122.41(b)]
If the operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the operator must apply for and obtain a new permit.

- C. Need to Halt or Reduce Activity Not a Defense.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(c)]
It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- D. Duty to Mitigate.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(d)]
The operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- E. Proper Operation and Maintenance.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(e)]
The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of this permit.

- F. Permit Actions.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- G. Property Rights.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(g)]
This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.
- H. Duty to Provide Information.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(h)]
The operator shall furnish to ADEQ, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.
- I. Inspection and Entry.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(i)]
The operator shall allow the Director, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to:
1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the terms of the permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring equipment or control equipment), practices or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location.
- J. Monitoring and Records.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(j)]
1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 2. The operator shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application, except for records of monitoring information required by this permit related to the operator's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Director at any time.
 3. Records of monitoring information shall include:
 - a) The date, exact place and time of sampling or measurements;
 - b) The individual(s) who performed the sampling or measurements;

- c) The date(s) the analyses were performed;
 - d) The individual(s) who performed the analyses;
 - e) The analytical techniques or methods used; and
 - f) The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 9 A.A.C. Chapter 14, Article 6 as incorporated by reference in R18-9-A905(B); or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless specific test procedures have been otherwise specified in this permit.
 5. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

K. Signatory Requirements. [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(k) and (l); R18-9-A905(A)(1)(c) which incorporates 40 CFR 122.22]

1. NOIs. All NOIs must be signed and certified as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency is the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA.).
2. Reports and Other Information: All NOTs, SWPPPs, reports, certifications, or information required by this general permit and other information requested by the

Department or authorized representative of the Department shall be signed by a person described in Part VI.K.1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in Part VII.K.1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the operator. (A "duly authorized representative" may be either a named individual or any individual occupying a named position.); and
 - c. The signed and dated written authorization is included in the SWPPP and submitted to the Department upon request.
3. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new NOI must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a documents under the terms of this permit shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

L. Reporting Requirements. [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(l)]

1. Planned changes. The operator shall give notice to the Director as soon as possible of any planned physical alterations of additions to the permitted facility. Notice is required only when:
 - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at R18-9-A905(A)(1)(e)); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at R18-9-A905(A)(3)(b)).
 - c. The alteration or addition results in a significant change in the operator's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit including notification of additional use or disposal sites not reported during

the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated noncompliance. The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. Transfers. (R18-9-B905) This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the operator and incorporate such other requirements as may be necessary under Arizona Revised Statutes and the Clean Water Act.
4. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - b. If the operator monitors any pollutant more frequently than required by the permit, using test procedures approved under 9 A.A.C. Chapter 14, Article 6 or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, or sludge reporting form specified by the Director.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
5. Twenty-four hour reporting.
 - a. The operator shall report to ADEQ any noncompliance which may endanger human health or the environment. The operator shall orally notify the office listed below within 24 hours:

Arizona Department of Environmental Quality
1110 W. Washington, 5th floor (5515B-1)
Phoenix, AZ 85007
Office: 602-771-4466; Fax 602-771-4505
 - b. A written submission shall also be provided to the office identified above within five days of the time the operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - c. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g) which is incorporated by reference at R18-9-A905(A)(3)(a))

- ii, Any upset which exceeds any effluent limitation in the permit.
 - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g) which is incorporated by reference at R18-9-A905(A)(3)(d))
6. Other noncompliance. The operator shall report all instances of noncompliance not otherwise required to be reported under this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (5) of this section.
7. Other information. When the operator becomes aware that he or she failed to submit any relevant facts in the NOI or in any other report to the Department, the operator shall promptly submit the facts or information to the Water Permits Section of ADEQ.

M. Bypass. [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(m)]

1. Definitions.
- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass not exceeding limitations. The operator may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
3. Notice.
- a. Anticipated bypass. If the operator knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.
 - b. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in paragraph (f)(2) of section 13 (24-hour notice).
4. Prohibition of bypass. Bypass is prohibited, and the Director may take enforcement action against an operator for bypass, unless:
- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The operator submitted notices as required under paragraph (3) of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

N. Upset. [A.R.S. §§ 49-255(8) and 255.01(E), R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(n)]

1. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the operator . An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
3. Conditions necessary for a demonstration of upset. A operator who wishes to establish the affirmative defenses of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that operator can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The operator submitted notice of the upset as required in paragraph (13)(f)(2) (24-hour notice).
 - d. The operator has taken appropriate measure including all reasonable steps to minimize or prevent any discharge or sewage sludge use or disposal that is in violation of the permit and that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d)
4. Burden of proof. In any enforcement proceeding the operator seeking to establish the occurrence of an upset has the burden of proof.

O. Reopener Clause. [R18-9-A905(A)(3)(d) which incorporates 40 CFR 122.44(c)]. The Department may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, that may be promulgated in the course of the current permit cycle.

P. Other Environmental Laws. No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "take" of endangered or threatened species as prohibited by section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "take" are available from the U.S. Fish and Wildlife Service at www.fws.gov.

Q. State or Tribal Law. [Pursuant to R18-9-A904(C)]
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve

the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

R. Severability. The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

S. Requiring Coverage Under an Individual Permit or an Alternative General Permit.

1. The Director may require a person authorized by this permit to apply for and/or obtain either an individual AZPDES permit or an alternative AZPDES general permit. Any interested person may petition the Department to take action under this section. The Department may require an operator authorized to discharge under this permit to apply for an individual AZPDES permit in any of the following cases:
 - a. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - b. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - c. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - d. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - e. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - i. The location of the discharge with respect to waters of the United States,
 - ii. The size of the discharge,
 - iii. The quantity and nature of the pollutants discharged to waters of the U.S., and
 - iv. Any other relevant factor.
2. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - a. A brief statement of the reasons for the decision;
 - b. An application form;
 - c. A statement setting a deadline to file the application;
 - d. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;

- e. The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - f. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
3. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
 4. If the operator fails to submit the individual permit application within the time period established in Part VII.R.3, the applicability of the general permit to the operator is automatically terminated at the end of the day specified by the Director for application submittal.
 5. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Part VII.R.4.

T. Request For an Individual Permit.

1. An owner or operator authorized by a general permit may request an exclusion from coverage of a general permit by applying for an individual permit.
 - a. The owner or operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than 90 days after publication of the general permit.
 - b. The Director shall grant the request if the reasons cited by the owner or operator are adequate to support the request.
2. If an individual permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.

PART VIII. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- A. Civil Penalties.** A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- B. Criminal Penalties.** Any a person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

PART IX. DEFINITIONS

“Arid areas”, for purposes of this permit, means the parts of the state that receive an annual rainfall of less than 20 inches.

“Best management practices” means those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural controls and operation and maintenance procedures. Best management practices may be applied before, during and after discharges to reduce or eliminate the introduction of pollutants into receiving waters.

“Control measure” as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“Commencement of construction activities” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.

“CWA” means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Department” means the Arizona Department of Environmental Quality.

“Discharge” means any addition of any pollutant to waters of the United States from any point source. A.R.S. § 49-255(2)

“Discharge of stormwater associated with construction activity” as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

“Drought” means for purposes of this permit, weather conditions considered ‘severely’ or ‘extremely’ dry (i.e., has a value of -1.50 or less) as evaluated by the Standardized Precipitation Index (SPI) which compares current cumulative precipitation to average conditions.

“Eligible” means authorization to discharge stormwater under this general permit.

“Facility” or “activity” means, for purposes of this permit, any NPDES or AZPDES “point source” or any other facility or activity (including land or appurtenances) subject to regulation under the NPDES or AZPDES program.

“Final stabilization” means that either:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ($.70 \times .50 = .35$) would require 35% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. For individual lots in residential construction final stabilization means that EITHER:
 - a. The homebuilder has completed final stabilization as specified above, or
 - b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization, or
 - c. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “water of the United States,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria above.

“Large construction activity” is defined at 40 CFR 122.26(b)(14)(x) and includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres.

“Large and medium municipal separate storm sewer system” means all municipal separate storm sewers that are either:

1. Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or
2. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or
3. Owned or operated by a municipality other than those described in paragraphs 1 and 2 of this definition and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

“MS4” means municipal separate storm sewer system. (See definitions for “large” and “medium municipal separate storm sewer systems” and “regulated small municipal separate sewer system.”)

“Navigable waters” means Waters of the United States.

“NOI” means Notice of Intent.

“NOT” means Notice of Termination.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

1. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform operators of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Person” means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. A.R.S. § 49-201(26)

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. Point source does not include return flows from irrigated agriculture. A.R.S. § 49-201(27)

“Pollutant” means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. A.R.S. § 49-201(28)

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Received”, for the purposes of this permit, means in reference to NOIs or NOTs or Permit Waiver Certificate Forms:

1. The day the Form was faxed to the Department
2. The date of hand-delivery of the Form to the Department, or
3. The date the Department signs for certified mail containing the Form.

“Regulated small municipal separate sewer system” means all municipal separate storm sewers that are not already defined as medium or large. Regulated small MS4s are automatically designated if they are located in "urbanized areas" defined by the Bureau of the Census based on the last decennial census. Other small MS4s located outside urbanized areas may be designated on a case-by-case basis if the Department determines that the MS4s discharges cause or have a potential to cause an adverse impact on water quality.

“Seasonal Arid”, for purposes of this permit, means the normally dry months when rainfall events are atypical in arid (annual rainfall less than 20") parts of the state.

“Significant contributor of pollutants” means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

“Small construction activity” is defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

“Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater Pollution Prevention Plan” or “SWPPP” means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.

“Waters of the United States” means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
 - a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. That are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters defined as waters of the United States under this definition;
5. Tributaries of waters identified in subsections (1) through (4);
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (1) through (6).

“Wetland” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

PART X. ACRONYMS

AZPDES — Arizona Pollutant Discharge Elimination System

BMP — Best Management Practices

CGP — Construction General Permit

CFR — Code of Federal Regulations

CWA — Clean Water Act

MS4 — Municipal Separate Storm Sewer System

NOI — Notice of Intent

NOT — Notice of Termination

NPDES — National Pollutant Discharge Elimination System

SWPPP — Stormwater Pollution Prevention Plan

SWQS — Surface Water Quality Standards

TMDL — Total Maximum Daily Load

WQS — Water Quality Standards



Appendix B-2 Small Construction General Permit Fact Sheet



Fact Sheet for the Issuance of AZPDES Construction General Permit AZG2003-001

February 28, 2003

Facilities: AZPDES General Permit for Stormwater Discharges from Large and Small Construction Activity in Arizona, except for those in Indian Country.

Background: Section 405 of the Water Quality Act of 1987 (WQA) added section 402(p) of the Clean Water Act (CWA) which required the Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. EPA published a final regulation on the first phase of this program on November 16, 1990, establishing permit application requirements for "stormwater discharges associated with industrial activity." EPA defined the term "stormwater discharge associated with industrial activity" in a comprehensive manner to cover a wide variety of facilities. Construction activities that disturb at least 5 acres of land and have point source discharges to waters of the U.S. are defined as an "industrial activity" per 40 CFR 122.26(b)(14)(x).

Phase II of the stormwater program was published in the Federal Register on December 8, 1999. Phase II includes sites disturbing greater than 1 acre and less than 5 acres as well as sites less than 1 acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than 1 and less than 5 acres. Small construction activity is defined per 40 CFR 122.26(b)(15)(i).

The following provides a fact sheet for the proposed AZPDES general permit for discharges in Arizona except for Indian Country. Hereinafter, the terms "permit" or "construction general permit" or "CGP" will be used. Note also that the permit references various federal regulations. These regulations have been incorporated by reference into the state AZPDES rules in the Arizona Administrative Code (A.A.C.) R18-9-A905. As an aid to reviewers, however, the permit cites the federal regulations where specific regulatory language can be found.

I. Introduction

ADEQ is issuing the construction general permit that authorizes the discharge of pollutants in stormwater discharges associated with construction activity. As used in this permit, "Stormwater associated with large construction activity" refers to the disturbance of five or more acres, as well as disturbance of less than 5 acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more (40 CFR 122.26(b)(14)(x)). "Stormwater associated with small construction activity," as defined in 40 CFR 122.26(b)(15), refers to the disturbance of equal to or greater than 1 and less than 5 acres of land for construction or the disturbance of less than 1 acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than 1 and less than five acres. The AZPDES rules, A.A.C. R18-9-A905 incorporate these, and other NPDES federal regulations noted in this Fact Sheet, by reference.

This permit replaces the previous Construction General Permit which was issued for a five-year term by EPA Region 9 in February 1998 (63 FR 7858) and July 1998 (63 FR 36490).

II. Coverage Provided by General Permits

Section 402(p) of the Clean Water Act (CWA) states that stormwater discharges associated with industrial activity to waters of the United States must be authorized by an NPDES permit. The term “discharge” when used in the context of the NPDES/AZPDES program means the discharge of pollutants (40 CFR 122.2).

EPA issued the first round of the Phase I construction general permit on two dates: September 9, 1992, for certain States and territories, and September 25, 1992, for other States and territories where EPA was the Permitting Authority. The Phase I permit was commonly referred to as the Baseline Construction General Permit. The second-round permit (simply called the “construction general permit,” “CGP,” or “permit”), issued February 17, 1998, was for use in the States, territories and Indian country lands where EPA was the NPDES Permitting Authority.

On November 16, 1990, EPA published regulations under the NPDES program that defined one facet of the phrase “stormwater discharges associated with industrial activity” as being discharges from construction activities (including clearing, grading and excavation activities) that result in the disturbance of 5 or more acres of total land area, including smaller areas that are part of a larger common plan of development or sale (40 CFR 122.26(b)(14)(x)). These are commonly referred to as Phase I construction activities.

The regulation entitled “National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges” (64 FR 68722) was published by EPA on December 8, 1999. This regulation, which is considered Phase II of the stormwater program, expands the existing NPDES stormwater program to address discharges that result in land disturbance of equal to or greater than 1 and less than 5 acres or less than 1 acre if part of a larger common plan of development or sale. The Stormwater Phase II Rule automatically designates these small sites; however, this rule allows for the exclusion of certain sources from the national program based on a demonstration of the lack of impact on water quality, as well as the inclusion of others based on a higher likelihood of localized adverse impact on water quality. Exclusion from the program is available through waivers to operators of small construction activity who certify for one of the available waivers.

There may be confusion about permitting requirements for sites that are part of a larger common plan of development or sale. All large construction activity, regulated under 40 CFR 122.26(b)(14)(x), is required to obtain coverage under a stormwater permit including sites disturbing less than 5 acres that are part of a larger common plan of development or sale that has the potential to disturb five or more acres collectively. A similar permit requirement exists for small construction activity, regulated under 40 CFR 122.26(b)(15)(i), that disturbs less than 1 acre but is part of a larger common plan of development or sale having the potential to disturb at least 1, but less than 5 acres collectively. Examples of these would be lots in a subdivision or industrial park. Construction projects that disturb less than 1 acre not meeting these requirements may still be designated to be covered under this permit based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the U.S. (40 CFR 122.26(b)(15)(ii)).

To help clarify what projects must be addressed as part of a “common plan of development or sale” and what projects can be considered on their own merit, ADEQ provides the following consistent with EPA interpretation. Where discrete construction projects within a larger common plan of development or sale are located at least 1/4 mile apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed. For example, two oil and gas well pads separated by 1/4 mile could be treated as separate “common plans.” However, if the same two well pads and an interconnecting access road were all under construction at the same time, they would need to be considered part of a single “common plan” for permitting purposes. If a utility company was constructing new trunk lines off an existing transmission line to serve separate residential

subdivisions located more than 1/4 mile apart, the two trunk line projects could be considered to be separate projects.

For situations where a common plan of development or sale exists and a single SWPPP is developed for an entire site, the requirements and burdens associated with maintaining permit compliance can be commensurately reduced as portions of the site are stabilized. For example, BMPs may be removed and inspections ceased for a stabilized area, as long as the threat of pollutants in any discharges from the area resulting from construction or construction-related activities no longer exists. It is not necessary to revise the NOI in this situation. Instead, the construction operator must thoroughly document in the SWPPP all activities leading up to and including final stabilization, so that an inspector will understand that BMPs and regular inspections are no longer needed in that area.

III. Summary of Options for Controlling Pollutants

ADEQ is providing the following information on controlling pollutants in stormwater discharges to assist permittees in preparing stormwater pollution prevention plans (SWPPPs). Most controls for construction activities can be categorized in either of two groups: sediment and erosion controls and stormwater management measures.

Sediment and erosion controls ordinarily address pollutants in stormwater generated from the site during active construction-related work. Stormwater management measures are customarily installed before, and coincident with, completion of construction activities, but primarily result in reductions of pollutants in stormwater discharged from the site after the construction has been completed. Additional measures that should be employed throughout a project include housekeeping best management practices, such as materials management and litter control.

A. Sediment and Erosion Controls. Erosion controls provide the first line of defense in preventing off-site sedimentation and are designed to prevent erosion through protection and preservation of soil. Sediment controls are designed to remove sediment from runoff before the runoff is discharged from the site. Sediment and erosion controls can be further divided into two major classes of controls: stabilization practices and structural practices. Major types of sediment and erosion practices are summarized below. A more thorough description of these practices is given in "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," U.S. EPA, 1992 (www.epa.gov/npdes/pubs/owm0307.pdf). Permittees should also consider the construction of new projects in phases to minimize the amount of bare soil which is exposed at one time and the amount of stabilization or structural controls that would be required.

1. Stabilization Practices.

Stabilization refers to covering or maintaining an existing cover over soil. Vegetative cover includes grass, trees, vines, shrubs, etc. Stabilization measures can also include non-vegetative controls such as geotextiles, riprap or gabions (wire mesh boxes filled with rock). Mulches such as straw or bark can be somewhat effectual at stabilization in stand-alone fashion but are most effective when used in conjunction with vegetation.

Stabilization of exposed soil is one of the foremost means to minimize pollutant discharge during construction activities. Stabilization reduces erosion potential by absorbing the kinetic energy of raindrops that would otherwise mobilize unprotected soil; by intercepting water so that it infiltrates into the ground instead of running off the surface; and slowing the velocity of runoff, thereby promoting deposition of sediment already being carried. Stabilization provides large reductions in the levels of suspended sediment in discharges and receiving waters. Examples of stabilization measures are summarized as follows.

a. Temporary Seeding. Seeding of temporary vegetation provides stabilization by

establishing vegetative cover at areas of the site where earth disturbing activities have temporarily ceased, but will resume later in the construction project. Without temporary stabilization, soil can be exposed to precipitation for an extended period leaving it vulnerable to erosion, even though earth-disturbing activities are not occurring on these areas. Temporary seeding practices have been found to be up to 95% effective in reducing erosion.¹

- b. Permanent Seeding. Establishing a permanent and sustainable ground cover at a site stabilizes the soil and hence reduces sediment in runoff. Permanent seeding is typically required at most sites for aesthetic reasons.
- c. Mulching. Mulching is often done coupled with permanent and temporary seeding. Where temporary or permanent seeding is not feasible, exposed soil can be stabilized by spreading plant residues or other suitable materials on the soil surface. Although generally not as effective as vegetation, mulching by itself provides a measure of temporary erosion control. Mulching in conjunction with seeding provides erosion protection prior to the onset of plant growth. In addition, mulching protects newly-applied seeds, providing a higher likelihood of successful vegetation. To maintain its effectiveness, mulch should be anchored to resist wind displacement.
- d. Sod Stabilization. Sod stabilization involves establishing long-term stands of grass by planting sod on exposed surfaces. When maintained properly, sod can be more than 99% effective in reducing erosion, and is the most immediately effective vegetation method available. However, the cost of sod stabilization (relative to other vegetative controls) typically limits its use to situations where a quick vegetative cover is desired (e.g., steep or erodible slopes) and sites which can be maintained with ground equipment. Sod is also sensitive to climate and may require intensive watering and fertilization.²
- e. Vegetative Buffer Strips. Vegetative buffer strips are indigenous or replanted strips of vegetation located at the top and bottom of a slope, outlining property boundaries or adjacent to receiving waters such as streams or wetlands. Vegetative buffer strips can slow runoff at critical locations, decreasing erosion and allowing sedimentation. They can be especially useful for very narrow linear construction projects such as underground utilities or pipelines.
- f. Preservation of Trees. This practice involves preserving selected trees already on-site prior to development. Mature trees provide extensive canopy and root systems which protect and hold soil in place. Shade trees also keep soil from drying rapidly, decreasing the soil's susceptibility to erosion. Measures taken to protect trees can vary significantly, from simply installing tree armor and fences around the drip line, to more complex measures such as building retaining walls and tree wells. Along with the erosion benefits provided by trees, they can also add to the aesthetics and value of the property.
- g. Contouring and Protection of Sensitive Areas. Contouring refers to the practice of building in harmony with the natural flow and contour of the land. By minimizing changes in the natural contour of the land, existing drainage patterns are preserved as much as possible, thereby reducing erosion. Minimizing the

¹Guidelines for Erosion and Sediment Control in California; USDA, Soil Conservation Service, Davis, CA; revised 1985.

²Ibid.

amount of regrading done will also reduce the amount of soil being disturbed. The preservation of sensitive areas at a site such as steep slopes and wetlands should also be a priority. Disturbance of soil on steep slopes should be avoided due to vulnerability to erosion. Wetlands should be protected because they provide flood protection, pollution mitigation and an essential aquatic habitat.

2. **Structural Practices.**

Structural practices involve the installation of devices to divert, store or limit runoff. Structural practices have several objectives. First, structural practices can be designed to prevent water from flowing on disturbed areas where erosion may occur. This involves diverting runoff from undisturbed, up-slope areas through use of earth dikes, temporary swales, perimeter dikes or other diversions to stable areas. Another objective of structural practices may be to cause sedimentation before the runoff leaves the site. Methods for removing sediment from runoff include diverting flows to a trapping or storage device or filtering diffuse flows through on-site silt fences. All structural practices require proper maintenance (e.g., removal of collected sediment) to remain functional and should be designed to avoid presenting a safety hazard - especially in areas frequented by children.

- a. Earth Dikes. Earth dikes are temporary berms or ridges of compacted soil that channel water to a desired location. Earth dikes should be stabilized with vegetation or an equally efficacious method.
- b. Silt Fences. Silt fences are a barrier of geotextile fabric (filter cloth) used to intercept sediment in diffuse runoff. They must be firmly anchored and may require additional support, such as reinforcing with wire mesh. Used alone, silt fences are usually inappropriate for flows of concentrated high volume or high velocity. They must be carefully maintained to ensure structural stability and be cleaned of excess sediment.
- c. Drainage Swales. A drainage swale is a channel lined with grass, riprap, asphalt, concrete or other materials. They are installed to convey runoff without causing erosion.
- d. Sediment Traps. Sediment traps are installed in drainage pathways, at storm drain inlets or other discharge points from disturbed areas. They are temporary structures designed to reduce water velocity and subsequently allow soil particles to settle.
- e. Check Dams. Check dams are small temporary dams constructed across a swale or drainage ditch to reduce the velocity of runoff, thereby reducing erosion in the swale or ditch. They should not be used in a permanent stream. More elaborate erosion controls in a flow conduit may be unnecessary if check dams are installed, due to the decrease in energy of the runoff.
- f. Level Spreaders. Level spreaders are outlets for dikes and flow channels consisting of an excavated depression constructed at zero grade across a slope. Level spreaders convert concentrated runoff into diffuse flow and release it onto areas stabilized by existing vegetation.
- g. Subsurface Drains. Subsurface drains transport runoff to an area where the water can be managed effectively. Drains can be made of tile, pipe, or tubing.
- h. Pipe Slope Drains. A pipe slope drain is a temporary runoff conveyance running down a slope to prevent erosion on the face of the slope.

- i. Temporary Storm Drain Diversions. Temporary storm drain diversions are used to re-direct flow in a storm drain for capturing sediment in a trapping device.
- j. Storm Drain Inlet Protection. Storm drain inlet protection reduces sediment entering storm drainage systems prior to permanent stabilization of disturbed areas. Examples include a sediment filter or an excavated detention area around a storm drain inlet.
- k. Rock Outlet Protection. Rock protection placed at the outlet of conduits can reduce the depth and velocity of water so the flow will not cause downstream erosion.
- l. Other Controls. Examples of other controls include temporary sedimentation basins, sump pits, entrance stabilization, waterway crossings and wind breaks.

B. Stormwater Management Measures. Stormwater management measures are usually installed before, and coincident with, completion of construction activities. The measures primarily result in reductions of pollutants in stormwater discharged from the site after cessation of construction activities. Stormwater management may also be needed for compliance with local flood control requirements (which may be unrelated to AZPDES requirements).

Construction frequently causes significant alterations in the characteristics of the affected land. One such change is an increase in the overall imperviousness of the site, which can dramatically affect the site's flow patterns. An increase in runoff may increase the amount of pollutants carried by the runoff. In addition, some activities (e.g., automobile travel on newly-built roads) can result in higher pollutant concentrations in runoff compared to pre-construction levels. Traditional stormwater management controls attempt to limit increases in the amount of runoff and pollution discharged from land impacted by construction.

Stormwater management measures include, but are not limited to, on-site infiltration of runoff, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, stormwater retention basins and artificial wetlands, and stormwater detention structures. For many sites, a combination of these controls is appropriate. A summary of stormwater management controls is provided below. A more complete description of stormwater management controls is found in 'Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,' U.S. EPA, 1992, and "A Current Assessment of Urban Best Management Practices," Metropolitan Washington Council of Governments, March 1992. In designing stormwater controls, features that would pose a safety hazard - especially for children - should be avoided and/or have limited public access.

- 1. On-Site Infiltration. Inducing infiltration, through infiltration trenches or basins, can reduce the volume and pollutant loadings of stormwater discharges from a site. Infiltration measures tend to mitigate impacts to an area's natural hydrologic characteristics. Properly designed and installed infiltration constructs can reduce peak discharges, facilitate recharging of the groundwater, augment low flow conditions in receiving streams, reduce stormwater discharge volumes and pollutant loads, and inhibit downstream erosion.

Infiltration measures are particularly effective in permeable soils and where the water table and bedrock are well below the surface. Infiltration basins can also double as sediment basins during construction. Infiltration trenches can be easily incorporated into less active areas of a development and are appropriate for small sites and in-fill developments. However, trenches may require regular maintenance to prevent clogging, particularly where grass inlets or other sedimentation measures are not

used. In some situations, such as low density areas of parking lots, porous pavement can provide for infiltration.

2. Flow Attenuation by Vegetation or Natural Depressions. Flow attenuation caused by vegetation or natural depressions can facilitate pollutant removal and infiltration and can reduce the erosivity of runoff. Use of vegetative flow attenuation measures can protect habitats and enhance the appearance of a site. These measures include grass swales and filter strips as well as trees that are either preserved or planted during construction.

Given their limited capacity to accept large volumes of runoff (and the concomitant erosivity), vegetative controls should usually be used in combination with other stormwater devices. Incorporating check dams into flow paths can provide additional infiltration and flow attenuation. Grass swales are typically used in areas such as low or medium density residential development and highway medians as an alternative to curb and gutter drainage system. In general, the costs of vegetative controls are less than for other stormwater measures.

3. Outfall Velocity Dissipation Devices. Outfall velocity dissipation devices include riprap and stone or concrete flow spreaders. They slow the flow of water discharged from a site thereby reducing erosion.
4. Retention Structures/Artificial Wetlands. Retention structures are ponds and artificial wetlands that are designed to maintain a permanent pool of water. Properly installed and maintained retention structures (also known as wet ponds) and artificial wetlands can achieve a high removal rate of sediment, biochemical oxygen demand (BOD), organic nutrients and metals, and are most cost-effective when used to control runoff from larger, intensively developed site. These constructs rely on settling and biological processes to remove pollutants. Retention ponds and artificial wetlands can also become wildlife habitats, recreation, and landscape amenities, and increase local property values.

While artificial wetlands can be one of the most effective long-term stormwater management measures, there are also potential problems to which wetlands may contribute at certain sites. This could be the case at airports where bird populations drawn to wetlands proximate to runways/taxiways may endanger moving aircraft. It is recommended that structures that maintain continuous habitat for wildlife not be constructed within 10,000 feet of a public-use airport serving turbine-powered aircraft, or within 5,000 feet of a public-use airport serving piston-powered aircraft.

5. Water Quality Detention Structures. Stormwater detention structures, which include extended detention ponds, control the rate at which water drains after a storm event. Extended detention ponds are usually designed to completely drain in about 24 to 48 hours and to remain dry at other times. They can provide pollutant removal efficiencies similar to those of retention pond. Extended detention systems are typically designed to provide both water quality and water quantity (flood control) benefits.

- C. Housekeeping Best Management Practices (BMPs).** Pollutants that could be discharged in stormwater from construction sites because of poor housekeeping include oil, grease, paints, gasoline, concrete truck wash down, raw materials used in the manufacture of concrete (sand, aggregate, and cement), solvents, litter, debris and sanitary wastes. Construction site stormwater pollution prevention plans (SWPPPs) should address the following to prevent the discharge of pollutants:

- Designate and control areas for equipment maintenance and repair;

- Provide waste receptacles at convenient locations and regular collection of wastes;
- Locate equipment wash down areas on site, and provide appropriate control of washwater to prevent unauthorized dry weather discharges and avoid mixing with stormwater;
- Provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials; and
- Provide adequately maintained sanitary facilities.

IV. Summary of Permit Conditions

This section has been written in an informal style that does not reflect verbatim the actual language used in the permit. It is intended to help the regulated community and members of the public understand the intent and basis of the actual permit language. If any confusion or conflicts exist between this summary and the actual CGP language, the permittee must comply with the CGP as written.

Part I. Coverage Under This Permit

Introduction: This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction-related activities that result in a total land disturbance of equal to or greater than 1 acre, where those discharges enter surface waters of the U.S. or a storm drain. Note the AZPDES authorizing statute uses the term “Navigable Waters” which is defined as equivalent to the waters of the U.S. However, because the term ‘navigable waters’ can be confusing to the general public (i.e., the definition of ‘navigable waters’ also includes ephemeral washes, intermittent streams, playas, and wetlands, that may not be able to be traveled by conventional vessels), this permit generally references discharges to waters of the U.S. This permit expands coverage from the 1998 CGP that provided coverage for large construction sites (i.e., those disturbing greater than 5 acres) to include both small and large construction activities (i.e., any project disturbing greater than 1 acre).

Similar to the 1998 CGP, the goal of this permit is to reduce or eliminate stormwater pollution from construction activity through development and implementation of an appropriate stormwater pollution prevention plan.

- A. Permit Area.** This permit will be for all construction discharges in the state of Arizona, except for those in Indian Country. ADEQ does not have authority for such discharges and applicants must pursue permitting through EPA Region 9 or other appropriate permitting authority.

Each permittee operating under this permit will be assigned an Authorization Number when his or her Notice of Intent (NOI) is processed. Note that the assigned number is not an AZPDES Permit Number; rather, the assigned number is for tracking purposes only. The actual permit number is AZG2003-001.

- B. Eligibility and Allowable Stormwater Discharges.** This permit authorizes all discharges of stormwater from construction activities except those excluded under Limitations on Coverage (Part I, Section D) in the CGP. Coverage under the CGP is authorized for:
- Stormwater discharges associated with construction activities from either large or small construction sites (including stormwater discharges from operators disturbing less than 1 acre that are part of a larger common plan of development or sale that combined, disturbs 1 acre or more);
 - Stormwater discharges from operators disturbing less than 1 acre, but designated by ADEQ as requiring coverage under the CGP;
 - Stormwater discharges from construction site support activities provided that these support activities are directly related to a construction site with NPDES/AZPDES CGP coverage;
 - Non-stormwater discharges as noted in Part I Section C of the permit; and

- Any discharge authorized by a different NPDES/AZPDES permit commingled with discharges authorized by this permit.

As noted above, activities that occur on-site in support of construction activity are covered under the CGP. Specifically, the permit authorizes discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.) for local project(s) with which an operator is currently involved (e.g., a concrete batch plant providing concrete to several different highway projects in the same county). Authorization of this discharge is contingent upon (1) the support activity not being a commercial operation serving multiple, unrelated construction projects and not operating beyond the completion of the last related construction project it serves; and (2) appropriate controls are identified in the stormwater pollution prevention plan (SWPPP) for the discharges from the support activity areas.

- C. Allowable Non-Stormwater Discharges.** This permit authorizes certain non-stormwater discharges associated with construction activity, provided that they are not a significant source of pollutants and the non-stormwater component is in compliance with Part IV.D.7 of the permit. Specifically, operators are required to identify in the SWPPP all allowable sources of non-stormwater discharges and must identify and ensure the implementation of appropriate BMP measures for these discharges. The operator must also eliminate or reduce these discharges to the extent feasible. Allowable non-stormwater discharges include those listed in Part I.C of the CGP.
- D. Limitations on Coverage.** Not all stormwater discharges from construction sites are authorized by this permit. Specifically excluded are:

Post Construction Discharges. Stormwater discharges originating from a site after construction activities have ceased, the site has undergone final stabilization, and an NOT has been submitted. If there will be a discharge of stormwater associated with industrial activity, or some other regulated discharge from the completed project (e.g., wastewater from a newly-constructed chemical plant), coverage under another permit(s) must be obtained for these discharges.

Prohibition on Discharges Mixed With Non-Stormwater. Stormwater discharges that are mixed with non-stormwater sources, other than those specifically identified in and managed in compliance with the permit. Non-stormwater discharges that are authorized under a different NPDES/AZPDES permit may be commingled with discharges authorized under this permit.

Discharges Covered by Another Permit. Stormwater discharges associated with construction activity that are covered under an individual permit or discharges required to be covered under an alternative general permit.

Discharges Threatening Water Quality. The inclusion of the requirement for a permittee to assure attainment of water quality standards (WQS) is intended to satisfy 40 CFR 122.44(d) without incorporating specific water quality-based effluent limitations. In a general permit, ADEQ is unable to include site-specific requirements to assure attainment of WQS at every site covered by this permit without adequate prior knowledge of the intended discharges, receiving waters, etc. Therefore, this permit requires permittees to design and implement BMPs to ensure compliance.

In addition, ADEQ requires review of stormwater discharge from construction sites to impaired or unique waters. Because impaired and unique waters require additional protection, the Department is proposing additional review of projects in the 1/4 mile proximity prior to authorizing discharge under the general permit. Although depending on factors such as slope, permeability, and rainfall event, some projects may feasibly impact waters from an

even greater distance. Based on these same factors, ADEQ also realizes that in some cases 1/4 mile may be beyond the range of concern. However, the Department considers that 1/4 mile is a reasonable distance to screen potential projects that may require additional evaluation.

If a total maximum daily load (TMDL) has been established for an impaired receiving water body, eligibility for permit coverage requires the development and certification of a SWPPP that is consistent with the assumptions and requirements of the TMDL. For a situation where a TMDL has not specified a waste load allocation for construction stormwater discharges, but has not specifically concluded that waste load allocations are unnecessary, an applicant must develop and implement BMPs that will ensure the discharge is consistent with the TMDL.

Applicants proposing to discharge to a unique or impaired water must submit their SWPPP to the Department for review along with their NOI. The SWPPP must also contain a proposal for monitoring the discharges to ensure the effectiveness of BMPs. Discharges to impaired or unique waters are not authorized by this permit for a minimum of 32 business days. Additionally, if the Department advises the applicant within 32 business days of problems in the SWPPP, authorization may be further delayed.

- E. Waivers for Small Construction Activities.** Phase II extends the requirements of the stormwater program from construction sites disturbing five or more acres (large construction) to sites disturbing between 1 and 5 acres (small construction), although ADEQ may also waive small construction sites that do not have adverse water quality impacts. To receive a waiver, the operator of a small construction activity must certify to a low predicted rainfall erosivity or lack of water quality impacts.

A low predicted rainfall erosivity exists during the period of construction activity resulting in a period when the value of the rainfall erosivity factor is less than 5. If the construction activity extends past the dates specified in the waiver certification, the operator must recalculate the waiver using the original start date and a new ending date. If the R-Factor is still under 5, a new waiver certification form must be submitted. If the recalculated R-Factor is greater than 5, an NOI must be submitted prior to the end of the waiver period for the operator to be covered by the permit. To determine the R value, the operator must use the method in EPA Fact Sheet 3.1, EPA 833-F-00-014, or the ADEQ "Smart NOI" electronic system will be able to be accessed from the internet and will calculate the values based on operator input of locational data and dates for construction.

A determination that stormwater controls are not necessary may also be based on a TMDL approved or established by EPA that addresses the pollutant(s) of concern. Currently, this waiver is of limited use as TMDLs in Arizona have not specifically addressed construction activities; however, this waiver has been included as it has the potential to be of use to operators in the future.

The permit also includes a provision that small sites that are exempt from permit coverage need to implement appropriate BMPs to minimize discharges from their site. In the event the sites have problematic discharges, ADEQ may require permit coverage to be obtained.

Part II. Authorization Under this General Permit

- A. General.** Operators of construction sites greater than 1 acre, or those designated by ADEQ, are required to submit a Notice of Intent (NOI) to obtain permit coverage (40 CFR 122.28(b)(2)). Submission of a complete and accurate NOI eliminates the need to apply for an individual permit for a regulated discharge, unless ADEQ specifically notifies the discharger that an individual permit application must be submitted.

Only NOI forms provided by ADEQ (or reproductions thereof) are valid. Applicants must be aware that by signing and dating the form they certify that they understand and are willing to comply with all terms and conditions of the AZPDES Construction General Permit. ADEQ intends in the near future to make available the Smart NOI System that will allow forms to be accessed and completed on the internet. The system will be designed to aid the operator in completing the NOI and will calculate and complete much of the form on behalf of the operator. To date, the issue of electronic signature has not been fully resolved, thus the operator may in the interim need to print and review a copy of the completed form and submit it with the properly signed certification to ADEQ. However, ADEQ envisions that the Smart NOI will enable the user to more easily complete the form and receive a more timely response from the agency concerning authorization status.

At any given construction site there may be a number of operators. Each entity considered an operator of large or small construction activity, must submit an NOI. The definition of "operator" and the existing regulatory definitions of "owner or operator" and "facility or activity" have been included in the permit. In general terms, operators are those that have the ability to make decisions concerning the project design and details, and those with the ability to make on the site decisions concerning site activities and implementation of BMPs.

EPA has indicated that situations exist where a utility company installing service lines meets the definition of operator and must obtain permit coverage, although most of the time a utility would be considered a "subcontractor" (i.e., non-permittee). If a utility company is constructing a project for itself (e.g., main transmission line, transformer station) it must obtain permit coverage. Utility companies (as any subcontractor) must abide by the site's SWPPP provisions and minimize its impacts on stormwater controls.

- B. Effective Date of Permit Coverage.** In most cases, authorization is granted 2 business days after the Water Quality Division of ADEQ receives the NOI. Because of uncertainty expressed concerning the word 'received', the definitions specify how this term will be used and the acceptable mechanisms for delivery of an NOI to ADEQ. An authorization to discharge is not, however, automatically granted 2 business days after receipt if a submitted NOI is materially incomplete or incorrect or if discharge(s) is/are not eligible for coverage by the permit. At any point, ADEQ may deny coverage under this permit and require submittal of an application for an individual AZPDES permit based on a review of the NOI or other information.

If an NOI is submitted after construction activity has begun, the operator is authorized for discharges that occur after ADEQ confirms authorization (in most cases 2 business days after receipt). The Agency may seek enforcement action for any unpermitted discharges or permit non-compliance that occurred between the time construction began and discharge authorization.

Operators applying for a TMDL waiver are to submit this information at least 32 business days in advance of the project. Those planning projects in TMDL areas or areas near impaired waters are not authorized to discharge until they have received written confirmation from ADEQ.

Because they are not federal actions, AZPDES permits are not subject to the Section 7 consultation under the Endangered Species Act. Therefore, this permit does not require any documentation of eligibility with respect to this issue, however, operators should be aware they may be subject to other requirements under the ESA. This permit provides for screening of NOI forms for a variety of issues and ADEQ has agreed to screen certain areas on behalf of the US Fish & Wildlife Service (USFWS). In the event a project is located in an area of concern, authorization to discharge under this permit will be delayed for up to 30 business days, and the NOI information will be forwarded to the USFWS. Operators may subsequently be contacted by USFWS concerning any potential issues related to

endangered species or critical habitat protection. In such cases, or when there are TMDLs or other water quality concerns, ADEQ intends to postpone authorization to discharge for up to 30 business days pending further review by the affected agencies. ADEQ has a goal to advise applicants of any potential delay within 2 business days after receipt of NOI information, and believes in most cases this will be achieved when the Smart NOI system is fully employed. It is ADEQ's intent in all cases- except for discharges to impaired or unique waters, that after a total of 32 business days, the applicant can assume coverage under the permit unless ADEQ further advises applicants to the contrary.

- C. Termination of Coverage.** Permittees must submit a complete Notice of Termination (NOT) that is signed according to Part VII, Section K of the permit when one or more of the conditions contained in Part II, Section C of the permit have been met. NOTs must be submitted using the form provided by ADEQ (found as an attachment to the permit), or a reproduction thereof, and sent to the address specified on the form. ADEQ envisions the NOT will also be able to be completed via use of the Smart NOI database in the future. NOTs provide ADEQ with a useful mechanism to track the status of projects which are actively covered by the permit.

The NOT includes:

- Permittee name and contact information, and site location information;
- The AZPDES permit tracking number of the site that is being terminated;
- Permittee certification that he or she understands that submission of the NOT means he or she no longer will have authorization to discharge stormwater associated with construction activity and that the site has been stabilized so that stormwater discharges associated with construction activity are no longer occurring
- Clarification that the authorization to discharge ends at midnight of the day the NOT is received at ADEQ; and
- The conditions under which an NOT can be submitted (stormwater discharges associated with the construction activity have been eliminated, the operator of the site has changed, coverage under an alternative permit has been obtained, or for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner) In some cases, an operator may complete only a small part of a site project and final stabilization is left and will be completed at a later date by another operator. In this scenario, the first operator may file an NOT.

The NOT must be filed within 30 days after cessation of construction activities and final stabilization of the permittee's portion of the site (or temporary stabilization for residential construction where a homeowner is assuming control of a property). An NOT must also be submitted by a permittee before another operator assumes the previous permittee's liabilities. This new permittee must then submit an NOI for coverage under this permit. If the operator submits and is covered by a low erosion potential or TMDL waiver, continued compliance with the permit is not necessary nor is submittal of an NOT.

The operator may face enforcement action if an NOT is submitted without meeting one of the requirements of the permit unless there has been authorization under an alternative permit or a waiver for coverage under this permit has been approved.

The NOT must be submitted to the address listed in Part III, Section E of the permit.

Part III. Notice of Intent Requirements

- An NOI must be submitted by all operators seeking authorization for stormwater discharges from a construction site under the CGP. Those required to obtain an individual stormwater permit may not use an NOI and should contact ADEQ regarding the permitting process. The

- NOI form requires the following information:
- The construction site operator's name, address, telephone number;
 - Whether the site is a Federal project or located on Federal lands;
 - The name (or other identifier), address (description of location if street address is unavailable), county or similar governmental subdivision, and the latitude/longitude of the construction site (e.g., "Cactus Acres Subdivision, 123 South St., Gold Mine City, Our County, AZ" or "1 mile south of Gold Mine City, AZ, on County Road No. 1; Gold Mine City, Our County, AZ"). Help finding your latitude and longitude will be available with the Smart NOI system. Also, if you will be involved in many construction projects, you may wish to invest in a portable Global Positioning System (GPS) unit that provides read-outs of the latitude and longitude. Units designed for recreational use (e.g., boating, hiking) can cost less than \$100.
 - Whether the site is located solely on Indian country land. Note again the permit does not authorize such discharges and the applicant will be directed to EPA. If the construction site is in Indian Country and outside Indian Country, then the operator must apply for coverage under both the ADEQ permit and the EPA permit (or other permitting authority).
 - The location of where the plan can be viewed if different from the project address and the name and telephone number of a contact person for scheduling viewing times;
 - The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer system, the name of the municipal operator of the storm sewer (e.g., "Nimby Creek" or "Anyburg, AZ" for municipal storm sewers). Help finding your receiving waters will be available with the Smart NOI system;
 - An estimate of project start date and completion date and an estimate of the number of acres (to the nearest quarter acre) of the site on which soil will be disturbed. Note that the project start and stop dates need not be exact. ADEQ recognizes that many factors, often beyond the permittee's control, contribute to whether a project will actually start or end on the estimated dates. Acreage may be determined by dividing square footage by 43,560, as demonstrated in the following example:
 - Convert 100,000 ft² to acres:
 - Divide 100,000 ft² by 43,560 square feet per acre:
 - $100,000 \text{ ft}^2 \div 43,560 \text{ ft}^2/\text{acre} = 2.30 \text{ acres}$. Report 2.25 acres on the NOI Form.
 - A summary of any non-stormwater discharges anticipated at the site. Note also, that such discharges, unless otherwise specifically authorized by this permit, may **not** be allowable regardless of inclusion on the NOI form.
 - A signature block is provided following a certification statement that everything on the NOI form is correct. Also, the NOI must include the name and title of the person who is authorized per VII.K.1 to sign the form, and date of signature.

The NOI must be signed in accordance with the signatory requirements of 40 CFR 122.22. A complete description of these signatory requirements is provided in Part VII.K of the general permit.

Waivers for Certain Small Construction Activities

Regulations for Phase II of the NPDES Stormwater Program were published on December 8, 1999 (64 FR 68722). Phase II was in response to the Congressional mandate at Clean Water Act § 402(p)(6) that the Agency "...shall issue regulations...which designate stormwater discharges...to be regulated to protect water quality and ...establish a comprehensive program to regulate such designated sources." Under Phase II, EPA designated small construction projects disturbing at least 1 but less than 5 acres, but by providing for two types of waivers acknowledged that not every construction project in the 1-5 acre range would pose a potential threat to water quality.

EPA adopted two types of waivers within the definition of small construction at 40 CFR 122.26(b)(15). The Rainfall-Erosivity Waiver at 40 CFR 122.26(b)(15)(i)(A) is based on the "R" factor from the Revised Universal Soil Loss Equation (RUSLE) and applies to projects where (and when) negligible

rainfall/runoff-erosivity is expected. The Water Quality Waivers at 40 CFR 122.26(b)(15)(i)(B) are essentially based on an analysis that stormwater discharges from small construction activities would not be expected to cause or contribute to exceedances of water quality standards. The water quality waivers anticipated that the analysis would demonstrate that stormwater controls for small construction were not needed based on 1) a Total Maximum Daily Load for impaired waters or 2) for non-impaired waters that do not require a TMDL, an equivalent analysis that either determined pollutant load allocations for small construction or determined that such load allocations were not necessary.

While the criteria for the Rainfall-Erosivity Waiver were built into the definition of “stormwater discharge associated with small construction activity” itself, only the broad outline of the Water Quality Waivers was included in the rule. The details of the Water Quality Waivers were expected to be included in a water quality analysis that would take place independently.

- **Low Rainfall Erosivity Waiver.** In order to qualify for the Low Rainfall Erosivity Waiver, the small construction project’s rainfall erosivity factor calculation (“R” in the Revised Universal Soil Loss Equation) must be less than 5 during the period of construction activity. The “R” factor is dependent on the location, date, and duration of the project. The operator must certify to ADEQ that construction activity will occur only in a time period when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance (clearing, grading, or excavating) and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for vegetative final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition is relied on to qualify for the waiver, signature of the waiver form with its certification statement would constitute acceptance of and commitment to complete the final stabilization process.

Methods for determining the R factor for a small construction site are provided in detail on an EPA Fact Sheet (Low Rainfall Erosivity Waiver (Fact Sheet 3.1) that is currently under revision. ADEQ also intends to include a calculator in the development of the Smart NOI system. As envisioned, the calculator would easily determine the “R” factor for a specific location and time period. It would also be useful in determining the time periods during which construction activity could be waived from permit coverage. Construction operators may find that moving their construction activity by a few weeks or expediting site stabilization will allow them to be waived.

- **TMDL Waiver.** If a water is listed as impaired and construction site runoff is identified by the State as a potential source of the impairment, a water quality waiver would not be available unless a TMDL is established and approved by EPA that addresses the pollutant(s) of concern and determines that controls on stormwater discharges from small construction activity are not needed to protect water quality. TMDLs are developed in accordance with a formal methodology, public review, and approval procedures adopted by A.R.S. 49-231 et. seq. The formal TMDL process specifies the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and allocates pollutant loadings among point and nonpoint pollutant sources. All TMDLs are done outside the context of the permit or the waiver and would only become available for use for potential waivers after they are finalized. This is not to say that appropriate controls could not be required under a permit to allow discharges to occur on an impaired water prior to the TMDL, but only that the regulations do not allow a water quality waiver in such circumstances. Information on TMDLs that have been prepared is available from ADEQ with updates on the website. The “R” Factor Waiver would still be available to eligible dischargers on impaired waters.

Deadlines for Notification.

Operators must submit the NOI form or Small Construction Erosivity Waiver to ADEQ at least 2 business days prior to commencement of construction activities. Construction activity includes the initial disturbance of soils associated with clearing, grading, excavation activities, etc. ADEQ considers this to be the minimal time necessary to evaluate if a NOI is complete and accurate and will allow for screening of key issues that may need additional review and communication with the operator, such as proximity to impaired waterways. ADEQ intends for this communication to be accelerated and effective with the use of the Smart NOI system.

Operators who wish to apply for a TMDL waiver are to do so at least 32 business days prior to commencement. However, discharges from construction activities are not authorized until written approval is given by ADEQ.

ADEQ is allowing operators of large construction projects that received authorization under one of the 1998 CGPs 90 days after the effective date of this permit to submit an NOI for coverage under the 2003 CGP. If the operator is eligible to submit an NOI (e.g., the construction activities are completed and the site is finally stabilized), a new NOI is not required to be submitted. In addition, the 2003 CGP provides these existing large construction operators 90 days to update their SWPPPs as necessary to comply with the terms of this permit. These operators are required to comply with the terms of the 1998 CGP during this 90 day period. Operators of any new large construction projects (i.e., operators of activities at large construction projects that commence construction after the effective date of this permit), must submit an NOI and develop a SWPPP prior to commencement of construction activity.

ADEQ is allowing operators of small construction projects that commenced operations prior to the effective date of this permit 90 days after the effective date of this permit to submit an NOI for coverage under the 2003 CGP. In addition, the 2003 CGP provides these existing small construction operators 90 days after the effective date of this permit to develop and begin to implement a SWPPP. If construction is completed and final stabilization achieved prior to the 90th day, submittal of an NOI and development of a SWPPP is unnecessary although ADEQ expects these operators will comply with all applicable local and state erosion and sediment control requirements. Any new small construction projects (i.e., operators of activities at small construction projects that commence construction after the effective date of this permit), must submit an NOI and develop a SWPPP prior to commencement of construction activity.

If an operator at a construction site changes or if a new operator is added after an NOI has been submitted, the new operator must ensure his NOI is received by ADEQ 2 business days prior to assuming operational control over the site or beginning work on-site.

All operators that will discharge to a municipal separate storm sewer (MS4), which could be a county, city, large federal facility, university, prison, etc. must also submit a copy of their NOI to the MS4. Since regulated MS4s have responsibilities under their AZPDES permits to inspect and regulate discharges from construction sites to their systems, this notification is necessary communication with the MS4.

PART IV. Stormwater Pollution Prevention Plans (SWPPPs)

A. General Information. The SWPPP focuses on two major requirements: (1) Providing a site description that identifies sources of pollution to stormwater discharges associated with construction activity on site; and (2) identifying and implementing appropriate measures to reduce pollutants in stormwater discharges to ensure compliance with the terms and conditions of this permit. All SWPPPs must be developed in accordance with sound engineering practices and must be developed specific to the site. For coverage under this permit, the SWPPP must be prepared before commencement of construction and then updated as appropriate.

The permit also clarifies that once a definable area of the site has been finally stabilized, no further SWPPP requirements apply to that portion of the site as long as the SWPPP has been updated

accordingly to identify that portion of the site as complete.

B. Requirements for Different Types of Operators. The term “operator” may be defined as one with operational control over construction plans and specifications or one with control over the day-to-day activities of the site. Operators may also only have control over a portion of a larger project and several operators are then responsible for separate portions of the entire construction project.

1. Operators with Operational Control Over Construction Plans and Specifications.

If an operator falls within this category, he or she must ensure that the SWPPP indicates the areas of the project where operational control over project specifications, including the ability to make modifications to plans and specifications occur. The operator must ensure that all other permittees implementing portions of the SWPPP impacted by any changes made to the plan are notified of such modifications in a timely manner and ensure that the SWPPP contains the appropriate information indicating who has operational control.

2. Operators with Control Over Day-to-Day Activities.

If an operator is responsible for the day-to-day operational control of the activities at a project site necessary to ensure compliance with the SWPPP, he or she must ensure the SWPPP meets the minimum requirements of Part III of the permit. The operator must also identify those responsible for implementation of control measures required in the SWPPP, ensure the SWPPP indicates areas of the project where operational control of day-to-day activities are maintained, and identify the parties responsible for implementation of control measures identified in the plan.

3. Operators with Control Over a Portion of a Larger Project.

If an operator is responsible for only a portion of a larger construction project he or she must maintain compliance with all applicable terms and conditions of this general permit for that portion of the project. Operators have the option of developing and implementing either a comprehensive SWPPP, that covers all operators at the construction site, or an individual SWPPP, covering only an individual operator’s portion of the site (provided reference is made to the other operators of the site). Operators are encouraged to develop a comprehensive SWPPP to enhance cost sharing and coordination of BMPs. If operators choose to develop individual plans, there must be coordination between the permittees to ensure stormwater discharge controls are consistent between the sites. Regardless of development of an individual or comprehensive SWPPP, operators must ensure that individual activities do not negatively impact another operator’s pollution controls.

C. Pollution Prevention Plan Contents: Site and Activity Description

1. Identification of Operators. The SWPPP must identify all known operators of the project site and identify the type of operational control of the operator: operational control over construction plans and specifications; control over day-to-day activities; or control over a portion of a larger project. The SWPPP must identify who will be responsible for implementing each measure contained in the plan. It is the permittee’s responsibility to provide necessary information on complying with their SWPPP and the permit to their contractors and subcontractors.

2. Site Description. The SWPPP must be based on an accurate assessment of the potential for generating and discharging pollutants from the site. Hence, the permit requires the identification of potential sources of pollution at a construction site that may reasonably be expected to impact the quality of the site’s stormwater discharges. There must also be a description of the site and anticipated construction activities in the SWPPP (to provide a better understanding of site runoff characteristics). At a minimum, SWPPPs must contain the following:

- A description of the nature of the construction activity including the function of the project (e.g., low-density residential, shopping mall, highway, etc.);
 - A description of the intended significant activities, presented sequentially, that disturb soil over major portions of the site (e.g., grubbing, excavation, grading);
 - Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities, including off-site borrow/fill areas. It may be preferable to separately describe portions of the site as they are disturbed at different stages of the construction process;
 - Since the function of drywells is to manage stormwater discharges, their presence and location is an important part of the site's stormwater management practices. As such, the SWPPP must include a description of any drywells located at the facility that might receive discharges, and if so, the registration numbers for those drywells;
 - An estimate of pre and post-construction runoff coefficients; and
 - A general location map able to identify the location of the activity and the receiving waters within one mile of the activity.
3. **Legible Site Map.** The SWPPP must contain a legible, to-scale, site map indicating: (1) Anticipated drainage patterns and slopes after major grading activities; (2) areas of soil disturbance and areas that will not be disturbed; (3) locations of major structural and nonstructural controls identified in the plan; (4) locations of planned stabilization measures; (5) off-site locations of equipment storage, material storage, waste storage and borrow/fill areas; (6) locations of surface waters (including wetlands); (7) locations of discharge points to surface waters or MS4s; (8) locations of on-site drywells; and (9) areas where final stabilization has been accomplished and no further construction phase permit requirements apply. Site maps should also include other major features and potential pollutant sources, such as locations of impervious structures and soil storage piles.
4. **Receiving Waters.** The SWPPP must identify the name(s) of the nearest receiving water(s) to the construction site that may be disturbed or will receive stormwater discharges from the site. Receiving waters include, but are not limited to ephemeral and intermittent streams, dry sloughs, and arroyos, and wetlands.
5. **Other Pollutant Sources.** The SWPPP must provide a description of any discharge associated with any activity other than construction (including stormwater discharges from dedicated asphalt plants, concrete plants, etc.) and the location of that activity on the construction site.
6. **Off-site material Storage.** The SWPPP must identify off-site storage areas used solely by the project and impose appropriate BMPs to minimize discharges from those areas.

D. Pollution Prevention Plan Contents: Controls to Reduce Pollutants. The SWPPP must describe the implementation of practices that will be used to reduce the pollutants in stormwater discharges from the site and assure compliance with the terms and conditions of the permit. Stormwater controls must be developed and implemented that address erosion and sediment controls, including interim and permanent stabilization practices, structural practices, post construction stormwater management measures, and other controls to address specific construction-related pollutant sources.

The SWPPP must describe the intended sequence of major stormwater control activities and when, in relation to the construction process, they will be implemented. ADEQ recognizes that many factors can impact the actual construction schedule, so the permittee need not include specific dates (e.g. plan could say install silt fence for area "A" before rough grading, rather than put up silt fences on August 15). Good site planning and preservation of mature vegetation are imperative for controlling pollution in stormwater discharges both during and after construction activities. Properly staging major earth disturbing activities can also dramatically decrease the costs of sediment and erosion controls.

Stabilization practices are the first line of defense in preventing erosion. The SWPPP must include a description of interim and permanent stabilization practices, including a schedule of implementation. The permittee should ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized as quickly as practicable. Stabilization practices include seeding of temporary vegetation, seeding of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, preservation of trees and mature vegetative buffer strips, and other appropriate measures. Temporary stabilization can be the single most important factor in reducing erosion at construction sites.

Stabilization also involves preserving and protecting selected trees on the site prior to development. Mature trees have extensive canopy and root systems, which help to hold soil in place. Shade trees also keep soil from drying rapidly and becoming susceptible to erosion. Measures taken to protect trees can vary significantly, from simple ones such as installing tree armoring and fencing around the drip line, to more complex measures such as building retaining walls and tree wells.

Description and Schedule. The SWPPP requires that specific construction dates be documented and maintained as a way for the construction operator as well as ADEQ to determine applicability and implementation status of SWPPP requirements. Important dates include when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.

The SWPPP must include a description of structures built to divert flows from exposed soils, and store or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Structural controls may be necessary because vegetative controls cannot be employed where soil is continually disturbed and because of the lag time before vegetation becomes effective. Options for such controls include silt fences, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, reinforced soil retaining systems, gabions and temporary or permanent sediment basins.

Post Construction stormwater management. The SWPPP must include a description of post-construction stormwater management measures. This permit, however, addresses only the installation of these measures; not the ongoing operation and maintenance of them after cessation of construction activities and final stabilization. Permittees are responsible only for the installation and maintenance of stormwater management measures prior to final stabilization of the site. When selecting stormwater management measures, the operator should consider the amount of required maintenance and whether there will be adequate resources for maintaining them over the longer term.

Some discharges of pollutants from post-construction stormwater management structures may need to be authorized under an NPDES permit (e.g., the construction project was an industrial facility in a sector covered by the NPDES multi-sector general permit).

Velocity Dissipation. Stormwater management measures installed during the construction process can control the volume and velocity of runoff, as well as reduce the quantity of pollutants discharged post-construction. Reductions in peak discharge velocity and volume can reduce pollutant loads as well as diminish physical impacts such as stream bank erosion and stream bed scour. Stormwater management measures that mitigate changes to pre-development runoff characteristics assist in protecting and maintaining the physical and biological characteristics of receiving streams and wetlands.

Placement of structural controls in flood plains should be avoided, rather they should be located on upland soils to the degree possible. The installation of structural control measures may be subject to section 404 of the CWA if they will be located in wetlands or other navigable waters (i.e., waters of the United States).

Options for stormwater management measures that should be evaluated in the development of plans include:

- On-site infiltration of precipitation;
- Flow attenuation by use of open vegetated swales and natural depressions;
- Stormwater retention/detention structures (including wet ponds); and
- Sequential systems using multiple methods.

Although not a limitation or performance standard in the permit, it is anticipated that stormwater management measures can achieve removal of at least 80% of total suspended solids at many sites. A number of stormwater management measures can be used to achieve this level of control, including:

- Properly designed and installed wet ponds;
- Infiltration trenches and basins;
- Sand filter systems;
- Manmade stormwater wetlands; and
- Multiple pond systems.

Pollutant removal efficiencies of various management measures can be estimated from a number of sources, including "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," U.S. EPA, 1992, and "A Current Assessment of Urban Best Management Practices" prepared for U.S. EPA by Metropolitan Washington Council of Governments, March 1992. Additional information on BMPs is available from EPA in an on-line document entitled, "National Menu of Best Management Practices for Stormwater Phase II" and found on the Internet at www.epa.gov/npdes/menuofbmps/menu.htm and from an on-line database entitled, "National Stormwater Best Management Practices (BMP) Database" sponsored by EPA and the American Society of Civil Engineers (ASCE) and available on the Internet at www.bmpdatabase.org.

Other controls to be addressed in SWPPPs for construction activities are for compliance with the requirement that solid materials, including building material wastes, not be discharged at the site except as authorized by a section 404 permit.

The SWPPP must also describe measures to minimize vehicular tracking of soil off-site and the generation of dust. Dust and dirt-tracking can be minimized by measures such as providing gravel or paving at entrance/ exit drive paths, parking areas and unpaved transit ways on the site carrying significant amounts of traffic (i.e., more than 25 vehicles per day); providing entrance wash racks or stations for trucks; and performing street sweeping. Off-site accumulations of sediment must be regularly removed to minimize impacts. In addition, the SWPPP must clearly show compliance with applicable state or local sanitary sewer, septic system and waste disposal regulations to the extent they apply to the permitted activity.

The SWPPP must also contain a description of practices to reduce pollutants from construction-related materials which are stored on site, including a description of said construction materials (with updates as appropriate). The plan should include a description of pollutant sources from areas untouched by construction and a description of controls and measures which will be implemented in those areas.

The SWPPP must also contain a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

Erosion & Sediment controls. Erosion and sediment controls include both stabilization practices and structural practices. A construction site's erosion and sediment controls should be designed with the objective to retain sediment on site. Control measures must be properly selected and installed in accordance with sound engineering practices and manufacturers specifications.

Good Housekeeping. Litter, construction debris, and construction chemicals must be prevented from entering a receiving water.

Stabilization Practices. It is imperative that stabilization be employed as soon as possible in critical areas. The CGP requires that, except in three situations, stabilization measures must be instituted on disturbed areas as soon as practicable, but no more than 14 days after construction activity has temporarily or permanently ceased on any portion of the site. The three exceptions to this requirement are the following:

- When construction activities will resume on a portion of the site within 14 days from suspension of previous construction activities;
- The initiation of stabilization measures is precluded by snow cover or frozen ground, in which case they must be initiated as soon as practicable; and
- In arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (10 to 20 inches) when the initiation of vegetative stabilization measures is precluded by seasonal arid conditions (i.e, this does not apply during the wet season, monsoon, etc, in such areas) and areas experiencing droughts . For the last case, stabilization measures must be initiated as soon as precipitation becomes likely.

Sediment Basins. For sites with more than 10 disturbed acres at a time, all of which are served by a common drainage location, a sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures (such as suitably-sized dry wells or infiltration structures), must be provided where practicable until final stabilization of the site has been accomplished. In lieu of the default 3,600 cubic feet/acre, the permittee can calculate the basin size based on the expected runoff volume from the local two-year, 24-hour storm event and local runoff coefficient. Flows from off-site or on-site areas that are undisturbed or have undergone final stabilization may be diverted around both the sediment basin and the disturbed area. These diverted flows can be ignored when designing the sediment basin.

For the drainage locations which serve more than 10 disturbed acres at a time and where a sediment basin designed according to the above guidelines is not feasible, smaller sediment basins or traps should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all down-slope and appropriate mid-slope boundaries of the construction area. Diversion structures should be used on upland boundaries of disturbed areas to prevent run-on from impacting disturbed areas. ADEQ does not intend to imply that silt fences or vegetative buffer strips on down-slope boundaries are the only BMPs that need to be used to protect water quality. ADEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

For drainage locations serving 10 or less acres, smaller sediment basins or sediment traps should be used and, at a minimum, silt fences or equivalent sediment controls are required for all down slope and appropriate mid-slope boundaries of the construction area. Alternatively, the permittee may install a sediment basin providing storage for 3,600 cubic feet (or the alternative calculated volume) of storage per acre drained. Diversion structures should be installed on upland boundaries of disturbed areas to prevent run-on. ADEQ does not intend to imply that silt fences or vegetative buffer strips on down-slope boundaries are the only BMPs that need to be used to protect water quality. ADEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum

pollutant removal.

Velocity Dissipation Devices. Increased discharge velocities can greatly accelerate erosion near the outlet of structural measures. To mitigate these effects, velocity dissipation devices should be placed at discharge points and along the length of a runoff conveyance, as necessary, to provide a non-erosive flow. Velocity dissipation devices help protect a water body's natural, pre-construction physical and biological uses and characteristics (e.g., hydrologic conditions such as the hydro period and hydrodynamics).

Post Construction stormwater management. Land development can significantly increase stormwater runoff volume and peak velocity if appropriate stormwater management measures are not implemented. In addition, post-development stormwater discharges will typically contain higher levels of pollutants, including total suspended solids (TSS), heavy metals, nutrients and high oxygen-demand components.

The evaluation of whether the pollutant loadings and the hydrologic conditions (the volume of discharge) of flows exceed pre-development levels can be based on hydrologic models which consider conditions such as the natural vegetation endemic to the area.

Other Controls. Other controls include preventing the discharge of solid material, minimizing off-site tracking of sediments, pollutant and spill prevention in storage areas, controls from other related activities, and stabilization of culvert locations.

- E. Non-Stormwater Discharge Management.** The SWPPP must identify appropriate pollution prevention measures for each of the eligible non-stormwater components of the discharge covered by this permit when combined with stormwater discharges associated with construction activity.
- F. Maintenance of Controls.** Erosion and sediment controls can become ineffective if they are damaged or not properly maintained. The SWPPP requires all erosion and sediment control measures to be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event. If maintenance before the next anticipated storm event is impracticable, maintenance must be completed as soon as practicable. The permit also requires that the operator remove sediment from sediment traps or sedimentation ponds when design capacity of that device has been reduced by 50 percent or more.
- G. Permit Related Records.** A copy of the CGP, the signed and certified NOI submitted to ADEQ, and a copy of the document from ADEQ indicating the permittee's authorization number must be included in the SWPPP. This condition in the permit is intended to stress the importance of these documents for operators to understanding permit responsibilities. The SWPPP must also contain a copy of any other agreements or special conditions that potentially affect stormwater and apply to site construction activities due to interaction with other state, local or federal agencies. Where these exist, it is important that an inspector may be aware of and view these additional provisions
- H. Applicable Local Programs.** Many municipalities and counties have developed sediment and erosion control requirements for construction activities. A significant number have also developed stormwater management requirements. The CGP requires that SWPPPs for sites that discharge stormwater associated with construction activities be consistent with procedures and requirements of local sediment and erosion control plans and stormwater management plans. The construction site's SWPPP may incorporate portions of a local program's pollution prevention plan if these requirements are at least as strict as the CGP. If your construction site is located in an area covered by such a local program, then your compliance with various aspects of the local program would constitute compliance with these aspects of the CGP.

I. Inspections.

Routine Inspection Schedule. Permittees must inspect designated areas on the site regularly. For purposes of this part, ADEQ defines that to be either (1) at least once 7 calendar days or (2) at least once every 14 calendar days, and within 24 hours after any storm event of 0.5 inches or greater. ADEQ also recommends that permittees perform a “walk through” inspection of the construction site before anticipated storm events (or series of events such as intermittent showers over a period of days) that could potentially yield a significant amount of runoff. Depending on local rainfall patterns, it is possible that either more or less inspections would be required under the once per week option. The permittee may choose one of the two inspection frequency scenarios. In exchange for committing to more frequent inspections, the operator could plan and budget for one inspection per week and would not have to deal with uncertainties associated with an unknown number of additional inspections triggered by rain events and the need to have inspectors on standby. This flexibility would be especially valuable for unmanned locations. Proper operation and maintenance of stormwater BMPs is independently required by the permit, so either inspection schedule is expected to provide adequate environmental protection.

Reduced Inspection Frequency. For sites that have undergone stabilization (temporary or final) or in the dry season at arid (average annual rainfall of 0 to 10 inches) or semi-arid (annual rainfall of 10 to 20 inches) locations, inspections must be conducted at least once a month and before and after significant rainfall events.

Inspectors. Inspections must be performed by qualified personnel; either the operator’s own personnel or consultants hired to perform the inspections. The inspectors must be knowledgeable and possess the skills to assess conditions at the construction site that could impact stormwater quality and assess the effectiveness of sedimentation and erosion control measure chosen to control the quality of the site’s stormwater discharges.

Scope of Inspections. Visual inspections must comprise, at a minimum:

- Disturbed areas;
- Areas used for storage of construction equipment and materials exposed to precipitation. Since storage areas may change frequently, the inspector should routinely ensure that storage areas match those designated in the SWPPP and are not a potential for pollutant discharge;
- Sediment and erosion control measures;
- Locations where vehicles enter or exit the site; and
- The inspector is also to look for, identify, and document any non-stormwater discharges and ensure they are allowable discharges being managed in accordance with the permit.

Where discharge points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing impacts to receiving waters. This can be done by inspecting the waters for evidence of erosion or sediment introduction. If discharge points are inaccessible, the permit requires that nearby downstream locations be inspected, if practicable.

Inspectors must determine whether erosion control measures are effective in preventing impacts to the receiving water and look for evidence of or the potential for pollutants entering the drainage system.

Compliance Evaluation Report. Once an inspection has been performed, a report must be retained with the SWPPP for up to three years after the site has been finally stabilized. The report should include:

- Components and scope of the inspection;
- Names and qualifications of personnel conducting the inspection;
- Dates of the inspection; weather information;
- Observations relating to the implementation of the SWPPP, and corrective actions needed
- Actions taken; and
- Incidents of non-compliance.

Major observations made during the inspection should include:

- Location(s) of discharges of sediment or other pollutants from the site;
- Location(s) of BMPs that need to be maintained;
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and
- Location(s) where additional BMPs are needed that do not exist at the time of the inspection.

A record of actions taken as a result of the inspection must be maintained with the SWPPP for at least three years from the date of permit expiration or termination. If no incidents of non-compliance were found, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. Finally, the report must be signed in accordance with the signatory requirements in Part VII, Section K of the permit.

- J. Maintaining an Updated SWPPP.** If an inspection reveals inadequacies in the site description or pollution prevention measures identified in the SWPPP, it must be revised. All necessary modifications to the SWPPP must be made within fifteen calendar days following the inspection.

The SWPPP must also be revised within 15 calendar days whenever there is a change in design, construction method, operation, maintenance procedure, etc., that may cause a significant effect on the discharge of pollutants to surface waters or MS4s. The plan must also be amended if inspections indicate the SWPPP is ineffective in eliminating or significantly reducing pollutants in the discharges from the construction site. In addition, the plan must be updated to identify any new operator who will implement a portion of the SWPPP.

- K. Signature, Plan Review, and Making Plans Available.** The SWPPP must be signed in accordance with the signatory requirements in the Standard Permit Conditions section of the permit (Part VII.K) and retained on-site at the construction site covered by this permit.

A notice about the permit and SWPPP must be conspicuously posted near the main entrance of the site. If displaying near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. For linear projects, the notice must be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road). The permit notice must include the following information:

- The AZPDES authorization number for the project, or a copy of the completed Notice of Intent as submitted to ADEQ if one has not yet been assigned;
- The name and phone number of a local contact;
- A brief project description; and
- The location of the SWPPP if not kept on site.

The SWPPP is considered a public document accessible under this permit. However, the permit does not require that the general public have access to the construction site nor does it require that copies of the plan be directly mailed to members of the public. However, upon

receipt of a written request from the public, ADEQ will require a copy of the SWPPP to be submitted and made available for public access through ADEQ. ADEQ considers this approach will balance the public's right for information on permitted projects potentially impacting their water bodies and the site operator's need for safe and unimpeded work conditions.

Permittees must make SWPPPs available, upon request, to ADEQ, EPA, and other State, Tribal, MS4s, or local agencies approving sediment and erosion plans, grading plans or stormwater management plans. Also, the operator must make SWPPPs available to ADEQ or EPA for review and copying during any on-site inspection.

- L. Deficiencies in the SWPPP.** ADEQ may notify the permittee at any time that his or her plan does not meet one or more of the permit requirements. The notification will identify which requirements are not being met and which elements of the SWPPP require modification. Within 15 business days of receipt of notification from ADEQ (or as otherwise requested by ADEQ), the required changes to the plan must be made and a certification submitted that the changes have, in fact, been made and implemented. The department may request to view the revised SWPPP.

PART V. Special Conditions

- A. Hazardous Substances or Oil.** Discharge of a hazardous substance or oil caused by a spill (e.g., a spill of oil into a separate storm sewer) are not authorized by this permit. The construction site must have the capacity to control, contain, and remove such spills if they are to occur. Spills in excess of reportable quantities, as described in Part 4.3, must still be reported as required under 40 CFR 110. Also Section 311 of the CWA and certain provisions of Sections 301 and 402 of the CWA are also applicable.
- B. Releases in Excess of Reportable Quantities.** The construction general permit requires the operator to prevent the discharge of hazardous substances or oil from a site in accordance with the SWPPP. This section applies to discharges at the site which may have a potential to affect the quality of stormwater discharging or to be discharged from the site. A spill to soil can be significant even if it is not presently raining. Within 14 calendar days of knowledge of the release, the SWPPP must be modified to include the date and description of the release, the circumstances leading to the release, responses to be employed for such releases, and measures to prevent the reoccurrence of such releases.
- C. Spills.** The permit does not allow the discharge of any hazardous or nonhazardous spilled materials.
- D. Non-Attainment of Water Quality Standards After Authorization.** If the Department notifies a permittee that a discharge is or may cause or contribute to non-attainment of WQ standards, the permittee must take one of 2 actions: 1) Modify the SWPPP with supplemental BMPs that will be protective, or 2) apply for an individual permit. ADEQ does, however, expect operators to be proactive about following up on any discharges that may contribute to water quality standard exceedences and not rely on ADEQ notification.
- E. Continuation of the Expired General Permit.** The permit specifies procedures for continued coverage under a general permit if the permit expires prior to a replacement permit being issued. In short, the expired permit would remain in full force and effect. Any permittee granted coverage prior to the permit's expiration date will automatically remain covered by the continued permit until the earliest of:
- The permit being reissued or replaced;
 - The permittee terminating coverage by submitting an NOT;

- Issuance of an individual permit for the permittee's discharges; or
- A formal decision by ADEQ not to reissue the general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit. However, should the permit expire prior to a replacement permit being issued, the existing permit will only cover those operators that submitted a complete and accurate NOI and met all the eligibility requirements prior to the expiration date of the permit. New construction projects requiring permit coverage after the expiration date of this permit are not eligible for coverage until a replacement permit is issued.

Part VI. Retention of Records

The permit requires that the operator must retain all records and reports required by this permit, including SWPPPs and information used to complete the NOI, for at least three years from the date of final stabilization. This period may be extended by request of ADEQ.

A copy of the SWPPP must be kept at the construction site from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over the plan's implementation must keep a copy of the plan readily available whenever they are on site (a central location accessible by all on-site operators is sufficient). If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be conspicuously posted at the construction site. A copy of the SWPPP must be readily available to authorized inspectors during normal business hours.

Part VII. Standard Permit Conditions

Although some of these conditions may not appear directly related to the CGP, the Federal regulations require all AZPDES permits to contain the standard conditions specified at 40 CFR 122.41. This section of the permit describes those conditions.

- A. Duty To Comply.** The permittee must comply with all conditions of this permit. An operator not fulfilling his or her obligations, as agreed upon by signing the NOI, is considered in violation of state statutes, as well as the Clean Water Act, and is grounds for injunctive relief, substantial monetary penalties, incarceration, changes or terminations to the permit, or denial of permit renewal.
- B. Duty to Reapply.** If the permittee, after expiration of its permit, desires to continue its activities, it must reapply for and obtain a new permit. For general permit coverage, this requires the permittee to comply with the terms of the reissued permit regarding follow-on permit coverage.
- C. Need to Halt or Reduce Activity Not a Defense.** The permittee facing enforcement action may not use as a defense the reasoning that compliance could only be achieved by halting or reducing the permitted activity.
- D. Duty to Mitigate.** The permittee is required to take all reasonable steps to prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance.** The permittee must properly operate and maintain all equipment and treatment systems used by the permittee for compliance with the terms of the permit. This includes sediment and erosion controls installed at the site used to achieve compliance with the terms of the permit and the SWPPP. The permittee must provide appropriate laboratory controls and quality assurance procedures as necessary. Backup systems are required when needed to ensure compliance.

- F. Permit Actions.** The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, reissuance, termination, or a notification of planned changes or anticipated noncompliance does not halt any permit condition.
- G. Property Rights.** An operator of a construction activity does not convey his or her property rights or privileges through issuance of this permit or coverage of activity under this permit. Injury to private property or invasion of personal rights are also not authorized under this permit nor any infringement of Federal, State, or local laws or regulations.
- H. Duty to Provide Information.** The permittee must transmit any information needed to determine compliance with the permit or to modify the permit.
- I. Inspection and Entry.** The permittee must, upon presentation of valid credentials by ADEQ or its representative, allow entry into the premises where the regulated activity and/or records are present. ADEQ must have access to view and to be able to make copies of any required records, inspect facilities, practices, operations, and equipment, and sample or monitor at reasonable times.
- J. Monitoring and Records.** Any samples required to be taken must be representative of the monitored activity. Records must be retained for 3 years (5 years for sludge activities) subject to extension by ADEQ. Monitoring records must identify the sampling dates and personnel, the sample location and time, and the analytical techniques used and corresponding results. Wastewater and sludge measurements must be conducted in accordance with 40 CFR Parts 136 or 503 or other specified procedures. Falsification of results is a violation.
- K. Signatory Requirements.** Applications, reports, NOIs, NOTs, or other information submitted to ADEQ must be signed and certified by a responsible officer, a general partner or proprietor of a partnership, or a principal executive officer or ranking elected official for a municipality, State, Federal, or other public agency. Knowingly making false statement, representations, or certifications is subject to penalties. Other than for applications and NOIs, these reports may be signed by a duly authorized representative. A person is considered a duly authorized representative only if the authorization is made in writing by such person and submitted to ADEQ. A duly authorized representative may be either a named individual or any individual occupying a named position. The duly authorized representative is not the same as an operator, but the legally bound representative of the operator.
- L. Reporting Requirement.** The permittee must report planned changes, anticipated noncompliance, and monitoring (for those required to monitor. This is limited to those that discharge to impaired or unique waters) The permittee must orally report to ADEQ any noncompliance which may endanger health or the environment within 24 hours. A written report must be submitted to followup within 5 days. Other noncompliance with the permit must also be reported. If the permittee becomes aware that there was incorrect or inadequate information on the NOI that was submitted, he must contact ADEQ and report that information.
- M. Bypass.** The permittee is not allowed to bypass treatment facilities or on-site BMPs except in certain specified emergencies.
- N. Upset.** An upset can be used as an affirmative defense in actions brought to the permittee for noncompliance. The permittee (who has the burden of proof) must have operational logs or other evidence that shows (1) when the upset occurred and its cause, (2) that the facility was being operated properly, (3) proper notification was made, and (4) remedial measures were taken.

- O. Reopener.** The Department can choose to reopen and modify this permit in the event of new regulatory requirements.
- P. Other Environmental Laws.** Compliance with this permit does not give permission to violate other environmental rules or statutes.
- Q. State or Tribal Law.** Compliance with this permit does not give permission to violate other laws.
- R. Severability.** If any part of this permit is determined to be invalid in a subsequent administrative or legal process, the remainder of the permit will not be affected.
- S. Requiring Coverage under an Individual Permit or an Alternative General Permit.** Based upon a number of different situations (e.g., applicable numeric effluent limitations resulting from a TMDL, or a determination that the operator has the potential to cause or contribute to a water quality standard exceedance), ADEQ may determine that coverage under an individual permit is necessary. If a permittee is currently discharging under this general permit and ADEQ determines that individual coverage is required, written notification of this required change in permit coverage, including reasoning for this decision, an application form, and a deadline for filing the application, will be provided to the permittee.
- T. Request for an Individual Permit.** An operator may apply for an individual permit rather than apply for coverage under this general permit. An individual application must be submitted for coverage under such a permit with reasoning supporting the request. If such reasoning is considered adequate by ADEQ, the request will be granted and an individual permit issued. If an individual permit or alternative AZPDES permit is issued to the permittee currently covered under this general permit, coverage under the general permit is terminated on the effective date of the new permit. Alternatively, if a permittee, currently covered under the general permit, seeks coverage under an individual or alternative NPDES permit and is denied, coverage under the general permit is terminated on the date of such denial, unless otherwise specified by ADEQ.

Part VIII. Penalties for Violation of Permit Conditions

This part advises the regulated community of the appropriate legal authorities and potential penalties for non-compliance with this permit.

Part IX. Definitions

The permit contains definitions of statutory, regulatory and other terms important for understanding the permit and its requirements. Several definitions were added to this permit that were not included in the 1998 permit. In addition, several terms that were defined in the body of the 1998 permit were moved to the definition section. New terms defined in this permit include: large construction activity, small construction activity, wetland, drought, significant contributor of pollutants, 'received' (for purposes of NOI and other documents submitted to the Department under this permit) and seasonal arid. Definitions of these terms were added for clarity of permit conditions.

Part X. Acronyms

The permit contains a list of acronyms found in the permit which aids in the understanding of the permit and its requirements.

FREQUENTLY ASKED QUESTIONS

The following are answers to some commonly asked questions on the construction stormwater permitting program. They are intended to help construction operators understand the permit. Be aware these answers are fairly broad and may not take into account all scenarios possible at construction sites.

WHAT IS THE GOAL OF THIS PERMIT?

The goal is to protect the quality and beneficial uses of Arizona's surface water resources from pollution in stormwater runoff from construction activities. To achieve this, the permit requires operators to plan and implement appropriate pollution prevention and control practices for stormwater runoff during the construction period. These Best Management Practices (BMPs) are aimed primarily at controlling erosion and sediment transport, but would also include controls, including good housekeeping practices, aimed at other pollutants such as construction chemicals and solid waste (e.g., litter). As used in this permit, the terms "Construction and Construction-related activities" include all clearing, grading, excavation, and stockpiling activities that will result in the disturbance of 1 or more acres of land area.

WHAT TYPES OF CONSTRUCTION ACTIVITIES MAY NEED A STORMWATER PERMIT?

Any construction activity that is, or is part of, a "common plan" of development or sale that will disturb 1 or more acres and has the potential to have a discharge of stormwater to a water of the United States must either have a permit OR have qualified for a waiver. These regulated discharges are broken into two categories: "Large" and "Small". A large construction activity is one that will disturb, or is part of a "common plan" that will cumulatively disturb, 5 or more acres. A small construction activity is one that will disturb, or is part of a "common plan" that will cumulatively disturb, 1 or more acres.

Construction and construction-related activities refers to the actual earth disturbing construction activities and those activities supporting the construction project such as construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), measures used to control the quality for stormwater associated with construction activity, or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants). It does not refer to construction activities unrelated to earth disturbing activities such as interior remodeling, completion of interiors of structures, etc. "Construction" does not include routine earth disturbing activities that are part of the normal day-to-day operation of a completed facility (e.g., daily cover for landfills, maintenance of gravel roads or parking areas, landscape maintenance, etc.) nor activities under a State or Federal reclamation program to return an abandoned facility property to an agricultural or open land use (as opposed to demolition of something in order to build something new).

ARE THERE SITUATIONS WHERE A PERMIT IS NOT NEEDED?

If all of the stormwater from the construction activity is captured on-site and allowed to evaporate, soak into the ground on-site, or is used for irrigation, you do not need a permit. Under the Clean Water Act, it is illegal to have a point source discharge of pollutants to a water of the United States that is not authorized by a permit. If there is a potential for a discharge, you need to apply for a permit. Therefore, the best management practices that you use to keep the stormwater on your site must be effective under any size storm.

IF A CONSTRUCTION ACTIVITY DOES NOT ADVERSELY IMPACT WATER QUALITY IS COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT STILL NECESSARY?

Waivers are possible only for discharges of stormwater associated with SMALL construction activity (i.e., construction disturbing less than 5 acres). These waivers are authorized by federal regulation at 40 CFR 122.26(b)(15)(i)(A) & (B) and are explained in this permit. Waivers are not available for any construction activity disturbing 5 acres or greater, or less than 5 acres if part of a common plan of development or sale (or if designated for permit coverage by ADEQ).

WITH ALL THE PEOPLE INVOLVED IN A CONSTRUCTION PROJECT, HOW DO I KNOW IF I AM THE ONE THAT NEEDS TO APPLY FOR THE PERMIT?

You must apply if you meet either of the two parts of the definitions of “Operator.” This means you should apply for permit coverage if you have operational control over either the construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., owner or developer of project), or you have day-to-day operational control of those activities at a project which are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions (e.g., general contractor). However, where your activity is part of a larger common plan of development or sale, you are only responsible for the portions of the project for which you meet the definition of “operator.”

There may be more than one party at a site performing the tasks relating to “operational control.” Depending on the site and the relationship between the parties (e.g., owner, developer, general contractor), there can either be a single party acting as site operator and consequently be responsible for obtaining permit coverage, or there can be two or more operators with all needing permit coverage. Exactly who is considered an operator is largely controlled by how the “owner” of the project chooses to structure their contracts with the “contractors” hired to design and/or build the project. The following are three general operator scenarios (variations on any of the three are possible, especially as the number of “owners” and contractors increases):

- “Owner” as sole permittee. The property owner designs the structures for the site, develops and implements the SWPPP, and serves as general contractor (or has an on-site representative with full authority to direct day-to-day operations). The “Owner” can be the only party that needs a permit, in which case everyone else on the site may be considered subcontractors and not need permit coverage.
- “Contractor” as sole permittee. The property owner hires a construction company to design the project, prepare the SWPPP, and supervise implementation of the plan and compliance with the permit (e.g., a “turnkey” project). Here, the contractor would be the only party needing a permit. It is under this scenario that an individual having a personal residence built for his own use (e.g., not those to be sold for profit or used as rental property) would not be considered an operator. ADEQ believes that the general contractor, being a professional in the building industry, should be the entity rather than the individual who is better equipped to meet the requirements of both applying for permit coverage and developing and properly implementing a SWPPP. However, individuals would meet the definition of “operator” and require permit coverage in instances where they perform general contracting duties for construction of their personal residences.
- Owner and contractor as co-permittees. The owner retains control over any changes to site plans, SWPPPs, or stormwater conveyance or control designs; but the contractor is responsible for overseeing actual earth disturbing activities and daily implementation of SWPPP and other permit conditions. In this case, both parties may need coverage.

However, you are probably not an operator and subsequently do not need permit coverage if:

- You are a subcontractor hired by, and under the supervision of, the owner or a general contractor (i.e., if the contractor directs your activities on-site, you probably are not an operator); or
- Your activities on site result in earth disturbance and you are not legally a subcontractor, but a SWPPP specifically identifies someone other than you (or your subcontractor) as the party having operational control to address the impacts your activities may have on stormwater quality (i.e., another operator has assumed responsibility for the impacts of your construction activities). This particular provision will apply to most utility service line installations.

In addition, for purposes of this permit and determining who is an operator, “owner” refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

MY PROJECT WILL DISTURB LESS THAN 1 ACRE, BUT IT MAY BE PART OF A “LARGER COMMON PLAN OF DEVELOPMENT OR SALE.” HOW CAN I TELL AND WHAT MUST I DO?

In many cases, a common plan of development or sale consists of many small construction projects. For example, an original common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction occurs.

If your smaller project is part of a larger common plan of development or sale that collectively will disturb 1 or more acres (e.g., you are building on 6 half-acre residential lots in a 10-acre development or are putting in a fast food restaurant on a 3/4 acre pad that is part of a 20 acre retail center) you need permit coverage. The “common plan” in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. You must still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage you personally disturb. As a subcontractor, it is unlikely you would need a permit.

However, where only a small portion of the original common plan of development remains undeveloped and there has been a period of time where there is no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), you may re-evaluate your individual project based on the acreage remaining from the original “common plan.” If less than 5 but more than 1 acre remains to build out the original “common plan” a permit is still required, but you can treat your project as part of a “small” construction activity and may be eligible for the waivers available for small construction activities (e.g., one of six lots totaling 2 acres in a 50 acre subdivision can be treated as part of a 2 acre rather than 50 acre “common plan”). If less than 1 acre remains of the original common plan, your individual project may be treated as part of a less than 1 acre development and no permit would be required.

WHEN CAN YOU CONSIDER FUTURE CONSTRUCTION ON A PROPERTY TO BE PART OF A SEPARATE PLAN OF DEVELOPMENT OR SALE?

After the initial “common plan” construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area for a boat, etc.), would stand alone as a new “common plan” for purposes of calculating acreage disturbed to determine if a permit was required. This would also apply to similar situations at an industrial facility, such as adding new buildings, a pipeline, new wastewater treatment facility, etc. that was not part of the original plan.

WHAT IF THE EXTENT OF THE COMMON PLAN OF DEVELOPMENT OR SALE IS CONTINGENT ON FUTURE ACTIVITIES?

ADEQ recognizes that there are situations where you will not know up front exactly how many acres will be disturbed, or whether some activities will even occur with certainty. If you are not sure exactly how many acres will be disturbed, you should make the best estimate possible and may wish to overestimate to ensure you do not run into the situation where you should have a permit, but don't. For example, if you originally estimated less than 5 acres would actually be disturbed and took advantage of the “R”

Factor waiver, but you actually disturbed 5.5 acres, you would lose your waiver and would have to go through the permit process mid-stream. This could result in delays in obtaining permit authorization and costs associated with contract changes to implement permit requirements - in addition to being liable for any unpermitted discharges.

If you have a long range master plan of development where some portions of the master plan are a conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended time period, you may consider the “conceptual” phases of development to be separate “common plans” provided the “conceptual phase” has not been funded and periods of construction for the physically interconnected phases will not overlap. For example, a university or an airport may have a long-range development concept for their property, with future development based largely on future needs and availability of funding. A school district could buy more land than needed for a high school with an indefinite plan to add more classrooms and a sports facility some day. An oil and gas exploration and production company could have a broad plan to develop wells within a lease or production area, but decisions on how many wells would be drilled within what time frame and which wells would be tied to a pipeline would be largely driven by current market conditions and which, if any, wells proved to be commercially viable.

WHAT IF THE “COMMON PLAN OF DEVELOPMENT OR SALE” ACTUALLY CONSISTS OF NON-CONTIGUOUS SEPARATE PROJECTS?

There are several situations where discrete projects that could conceivably be considered part of a larger “common plan” can actually be treated as separate projects for the purposes of permitting.

1. A public body (e.g., a municipality, State, Tribe, or Federal Agency) need not consider all their construction projects within their entire jurisdiction to be part of an overall “common plan.” For example, construction of roads or buildings in different parts of a state, city, military base, university campus, etc. can be considered as separate “common plans.” Only the interconnected parts of single project would be considered to be a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.).
2. Where discrete construction projects within a larger common plan of development or sale are located at least 1/4 mile apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed. For example, two oil and gas well pads separated by 1/4 mile could be treated as separate “common plans.” However, if the same two well pads and an interconnecting access road were all under construction at the same time, they would need be considered part of a single “common plan” for permitting purposes. If a utility company was constructing new trunk lines off an existing transmission line to serve separate residential subdivisions located more than 1/4 mile apart, the two trunk line projects could be considered to be separate projects.

WHAT DO YOU NEED TO DO TO APPLY FOR PERMIT COVERAGE?

First - you will need a copy of this permit language - you will need it to determine if you are eligible for the permit; what must be included in your pollution prevention plan, and what you need to do in order to comply with the permit.

Second - you will need to prepare your Stormwater Pollution Prevention Plan. You will also need to include a copy of the permit language and documentation on your eligibility determination(s) in your Plan.

Third - you will need to fill out the NOI form and ensure that it is received by ADEQ at least 2 business days before you start construction. If online entry of NOI information becomes available during the life of

the permit, you will be able to use that option.

WHAT ARE MY OPTIONS FOR MEETING THE “FINAL STABILIZATION” CRITERIA?

In most cases, you can terminate permit coverage as soon as the portion(s) of the project for which you are an operator is finally stabilized. A definition of “Final Stabilization” is in the permit and is required only of areas that are not otherwise covered by some sort of structure. For the purpose of these discussions, “structure” is not only used in the more traditional sense of “buildings,” but to also refer to other things built on the ground whose intended purpose would require it to remain in a non-vegetated condition after construction has ended. Examples of “structures” include: buildings, parking lots, roads, gravel equipment pads, sidewalks, runways, etc. All other disturbed areas must be finally stabilized by either vegetative or non-vegetative practices, except disturbed areas on lands that will be returned to an agricultural use such as cropland, rangeland, or silviculture need only be returned to the preexisting agricultural use condition (e.g., tilled land, grass rangeland, agricultural buffer strip, etc.) and where a residential homeowner has decided to install their lawn themselves, only temporary stabilization is required. Perennial vegetation could include grasses, ground covers, trees, shrubs, etc. Vegetative final stabilization only requires getting to 70% of the “natural” vegetative cover in that part of the country. If the natural cover is only 50%, you only have to get back to 35% cover (70% of 50%). Non-vegetative stabilization could include rip-rap, gravel, gabions, etc. Impervious cover such as concrete or asphalt should be avoided as a final stabilization technique. Semi-permanent low or no maintenance erosion control practices combined with seeds that would take hold the next growing season (e.g., properly secured seed impregnated erosion control mats, etc.) could also be used as “final stabilization.”

WHAT IF THE OPERATOR(S) CHANGES BEFORE THE PROJECT IS COMPLETED?

If operational control changes, the old operator submits a Notice of Termination (NOT) and the new operator submits a Notice of Intent before taking over operational control.

WHAT IF EARTH DISTURBANCE IS A NORMAL PART OF THE POST-CONSTRUCTION USE OF THE SITE?

The earth disturbing activity has to be part of a project to build a structure (e.g., building, road, pad, pipeline, transmission line, etc.) or demolish an existing structure in order to build a new one on a piece of land in order to trigger the need for a permit for the discharge of stormwater associated with construction activity. Earth disturbance that is a normal part of the long-term use or maintenance of the property is not covered by the construction general permit. For example, re-grading a dirt road or cleaning out a roadside drainage ditch to maintain its “as built” state is road maintenance and not construction. Restoring the original well pad in order to work over an existing oil or gas well is operation of a well and not construction. Re-grading and re-graveling a gravel parking lot or equipment pad is site maintenance and not construction. Reworking planters that are part of the landscaping at a building is landscape maintenance and not construction. Applying daily cover at a landfill is simply part of operating a landfill and not construction. Cleaning out a drainage ditch to restore its original grade and capacity is ditch maintenance and not construction.

HOW MANY NOTICES OF INTENT (NOIs) MUST I SUBMIT?

You only need to submit one NOI to cover all activities on any one common plan of development or sale. The site map you develop for the stormwater pollution prevention plan identifies which parts of the overall project are under your control. For example, if you are a homebuilder in a residential development, you need submit only one NOI to cover all your lots, even if they are on opposite sides of the development.

DO I HAVE FLEXIBILITY IN PREPARING THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND SELECTING BEST MANAGEMENT PRACTICES (BMPs) FOR MY SITE?

Stormwater pollution prevention plan requirements were designed to allow flexibility to develop the

needed stormwater controls based on the specifics of the site. Some of the factors you might consider include: more stringent local development requirements and/or building codes; precipitation patterns for the area at the time the project will be underway; soil types; slopes; layout of structures for the site; sensitivity of nearby water bodies; safety concerns of the stormwater controls (e.g., potential hazards of water in stormwater retention ponds to the safety of children; the potential of drawing birds to retention ponds and the hazards they pose to aircraft); and coordination with other site operators.

The approach and BMPs used for controlling pollutants in stormwater discharges from small construction sites may vary from those used for large sites since their characteristics can differ in many ways. Operators of small sites may have more limited access to qualified design personnel and technical information. Sites may also have less space for installing and maintaining certain BMPs. A number of structural BMPs (mulching, use of inlet protection, or silt fence) and non-structural BMPs (minimizing disturbance, good housekeeping) have shown to be efficient, cost effective, and versatile for small construction site operators to implement. As is the case with large construction sites, erosion and sediment control at small construction sites is best accomplished with proper planning, installation, and maintenance of controls.

MUST EVERY PERMITTEE HAVE HIS OR HER OWN SEPARATE SWPPP OR IS A JOINT PLAN ALLOWED?

The only requirement is that there be at least one SWPPP for a site that incorporates the required elements for all operators, but there can be separate plans if individual permittees so desire. ADEQ encourages permittees to explore possible cost savings by having a joint SWPPP for several operators. For example, the prime developer could assume the inspection responsibilities for the entire site, while each homebuilder shares in the installation and maintenance of sediment traps serving common areas.

IF A PROJECT WILL NOT BE COMPLETED BEFORE THIS PERMIT EXPIRES, HOW CAN I KEEP PERMIT COVERAGE?

If the permit is reissued or replaced with a new one before the current one expires, you will need to comply with whatever conditions the new permit requires in order to transition coverage from the old permit. This usually includes submitting a new NOI. If the permit expires before a replacement permit can be issued, the permit will be administratively “continued.” You are automatically covered under the continued permit, without needing to submit anything to ADEQ, until the earliest of:

1. The permit being reissued or replaced;
2. Submittal of a Notice of Termination (NOT);
3. Issuance of an individual permit for your activity; or
4. ADEQ issues a formal decision not to reissue the permit, at which time you must seek coverage under an alternative permit.

WHEN CAN I TERMINATE PERMIT COVERAGE? CAN I TERMINATE COVERAGE (i.e., LIABILITY FOR PERMIT COMPLIANCE) BEFORE THE ENTIRE PROJECT IS FINISHED?

You can submit an NOT for your portion of a site providing: (1) You have achieved final stabilization (70% revegetation) of the portion of the site for which you are a permittee (including, if applicable, returning agricultural land to its pre-construction agricultural use); (2) another operator/ permittee has assumed control over all areas of the site that have not been finally stabilized for which you are responsible (for example, a developer can pass permit responsibility for lots in a subdivision to the homebuilder who purchases those lots, providing the homebuilder has filed his or her own NOI); or (3) for residential construction only, you have completed temporary stabilization and the residence has been transferred to the homeowner.



Appendix B-3 Small Construction Notice of Intent (NOI)



NOTICE OF INTENT (NOI)

For Coverage Under AZPDES Permit No. AZG2003-001
for Construction Activity Discharges to
Waters of the United States

FOR COVERAGE, A COMPLETE AND ACCURATE NOI MUST BE SUBMITTED TO:
Arizona Department of Environmental Quality; Surface Water Section / Permits Unit / Stormwater Program
1110 West Washington, 5415A-1; Phoenix, Arizona 85007
FAX: (602) 771-4528

- ▶ Is this NOI a revision to one previously filed under the 2003 AZPDES Construction General Permit? YES NO
- If yes:
 - ▶ Provide your current authorization #: AZCON-_____
 - ▶ Provide the name of the project/site in Part II and only the specific information being revised.
 - ▶ Complete Part V and sign the certification.

Is the Site Located on Indian Country Lands?
 YES NO

I. OWNER/OPERATOR (Applicant) INFORMATION

Phone: _____

- ▶ Contact Name: _____ Fax: _____
- ▶ Operator's Business Name: _____
- ▶ Operator's Mailing Address: _____
- ▶ City: _____ State: |__|__| Zip: _____

BUSINESS STATUS: Federal State Other Public Private Tribal ADOT

II. CONSTRUCTION SITE INFORMATION

- ▶ Project/Site Name: _____ Phone: _____
- ▶ Type of Project (subdivision, commercial, road, pipeline, utility, ADOT project, etc.): _____
If a subdivision, has state or local subdivision approval been obtained? YES NO
If yes, provide the subdivision approval number: _____
- ▶ Is the project part of a larger plan of development? YES NO **(See Item II in the Instructions)**
- ▶ Does the project have/need other environmental permits or approvals? If so, list and provide the permit/approval number (attached sheet, if necessary): _____

- ▶ Site physical location (include address, if applicable, and directions from nearest municipality):

City: _____ State: |__|__| Zip: _____ County: _____
- ▶ Estimated Project Start Date: _____ Estimated Termination Date: _____
(Final Stabilization)
- ▶ Estimate of total acres (to the nearest 1/2 acre) to be disturbed with the entire construction project: _____
- ▶ Estimate of total acres (to the nearest 1/2 acre) to be disturbed by your operations: _____

NOI for Coverage under AZPDES Permit No. AZG2003-001

▶ Select the non-stormwater discharges expected to be associated with your construction-related activities (according to attached instructions):

- None
- Discharges from fire-fighting activities
- Fire hydrant flushing
- Waters used to wash vehicles – no detergents
- Waters used to control dust – no effluent or other wastewaters
- Potable water (e.g., water line flushing)
- Routine external building wash-down – no detergents
- Pavement wash waters – no spills or leaks of toxic or hazardous materials and no detergents
- Uncontaminated air conditioning or compressor condensate
- Uncontaminated groundwater

- Foundation or footing drains – uncontaminated
- Potable water well flushing – ephemeral receiving waters
- Water used for compacting soil – no effluent or other wastewaters
- Water used for drilling and coring (e.g., for evaluation of foundation materials) – uncontaminated
- Water from dewatering operations/foundations
- Other, specify _____

III. DISCHARGE LOCATION

▶ Provide the latitude/longitude of the construction site at the point nearest the receiving water (natural water course):

Latitude: |__|° |__|' |__|." Longitude: |__|° |__|' |__|." (Degrees, minutes, seconds) (Degrees, minutes, seconds)

▶ Identify the closest receiving water to construction site (dry washes, named waterbodies, and unnamed tributaries)

(See Item III in the Instructions): _____

▶ Is there a potential for any discharges from the site to enter a municipal storm sewer system (MS4), canal, or a privately-owned conveyance? YES NO

▶ If yes, enter name of MS4, canal, or conveyance owner: _____

IV. PERMIT AUTHORIZATION CANNOT OCCUR UNTIL A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN DEVELOPED AND IMPLEMENTED ACCORDING TO THE TERMS OF THE GENERAL PERMIT

▶ I confirm that a SWPPP meeting the requirements of this general permit has been developed and will be implemented prior to commencing construction activities at this site. If this is a late application, a SWPPP has been developed and implemented prior to this submittal. (ADEQ reserves the right to take enforcement action for any unpermitted discharge or permit noncompliance that occurs between the time construction commenced and discharge authorization is granted.)

▶ The SWPPP may be viewed at the following on-site location (or locally accessible to the project). **(See Part IV.J.4 in the general permit.)** _____

▶ Contact name for SWPPP access: _____

▶ SWPPP contact telephone number: _____

▶ This project may discharge within 1/4 mile of an impaired or unique waterbody: YES NO

_____ If yes, a copy of my SWPPP is enclosed with this application.

V. CERTIFICATION BY AUTHORIZED SIGNATORY (See Part VII.K.1 in the general permit)

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition I certify that the operator will comply with all terms and conditions stipulated in General Permit No. AZG2003-001 issued by the Director."

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Name: _____

Address: _____

City: _____ State: |__| |__| Zip: _____ Phone: _____



INSTRUCTIONS for Obtaining Authorization to Discharge Stormwater from Construction Activities under the AZPDES Construction General Permit --- AZG2003-001

Who Must File a Notice of Intent (NOI)?

Each "operator" of a construction site is required to complete an NOI. The definition of "operator" is provided in the definition section at the end of the permit. Generally, "operator" means any person who has operational control over the activities occurring on the site (i.e., control over plans, specifications, day to day activities, stormwater controls, etc.). This term may include the property owner, developer, contractor, and/or sub-contractor(s). Since there are typically more than one operator on a construction project, if any of these persons has operational control of the construction project, EACH PERSON IS REQUIRED TO APPLY AS AN OPERATOR for permit coverage using a separate NOI. Only one person from each company or municipality should submit the NOI for the project. However, if a company manages the site under separate divisions, e.g., land development and vertical development, the company may submit more than one NOI per project.

When to File the NOI Form?

DO NOT FILE THE NOI UNTIL YOU HAVE READ THE CONSTRUCTION GENERAL PERMIT. You will need to refer to the permit to determine your eligibility to apply for this permit (See Part I), prepare your Stormwater Pollution Prevention Plan (SWPPP) (Part IV), and correctly answer all questions on the NOI form (Part III) – all of this must be done before you can sign the certification statement on the NOI in "good faith."

The NOI form must be received (and issued) by ADEQ before you need permit coverage. Keep in mind that, depending on the location of the project, authorization for permit coverage may be delayed for 32 business days. Refer to Part II.B of the permit for more information on the effective date of permit coverage. CAUTION: In addition, you must allow enough lead time to gather the information necessary to complete the NOI form and develop a site-specific SWPPP.

If any part of your project is in within 1/4 mile of any impaired or unique water, you must submit your SWPPP with the NOI. The 2004 303(d) List and other impaired waters can be found at <http://www.azdeq.gov/envirom/water/assessment/assess.html>.

A list of unique waters (A.A.C. R18-11-112) can be found at http://www.azsos.gov/public_services/Title_18/18-11.htm.

If you have any concerns about the timing for coverage under this permit, YOU ARE ENCOURAGED TO SUBMIT YOUR NOI EARLY!

Where to File the NOI Form?

THERE IS NO FEE FOR PROCESSING YOUR NOI. You may submit your NOI in one of two ways: (1) Through the electronic, user-friendly Smart NOI system available at "Arizona at Your Service," www.az.gov/webapp/noi/main.do, or (2) by certified mail, hand-delivery, regular mail, or facsimile. (If you use the Smart NOI system you must print a copy of the NOI and send the signed NOI to the Phoenix ADEQ Office within 10 business days.)

Fax NOI to (602) 771-4528 or send to:

Arizona Department of Environmental Quality
Surface Water Section / Stormwater Program
1110 West Washington, 5415A-1
Phoenix, AZ 85007
Fax (602) 771-4528

Make at least three copies of the signed NOI. Place a copy in your SWPPP, send (or fax) a copy to the address above, and send the third copy to the operator of the municipal separate storm sewer system (MS4), if appropriate, in accordance with Part III.F of the permit.

If you submit your application via the Smart NOI System, you must print your NOI Authorization Certificate prior to exiting the Smart NOI System. If you submit your NOI to ADEQ for manual processing, ADEQ will send you a letter regarding authorization status (usually within two business days of our receipt of the NOI). You may also verify receipt of the NOI and check the status of the authorization by either visiting our

NOI Construction Database at <http://azdeq.gov/databases/azpdessearch.html> or by calling the NOI Processing Center at (602) 771-4632.

For specific information about the program or the permit, visit our website at <http://www.azdeq.gov/envirom/water/permits/stormwater.html#const> or contact us at (602) 771-4449.

Instructions for Completing the NOI Form

To receive coverage under Construction General Permit (CGP) AZG2003-001, the NOI form must be COMPLETE and ACCURATE. Refer to Part III of the permit for additional information on the NOI requirements.

BLOCK 1

Indicate whether this form is a revision to an NOI form you previously submitted and obtained authorization for under the AZPDES CGP (effective February 28, 2003). Instances where you would check 'yes,' could include updating mailing information, changing the name of the contact person, or revising the location of the SWPPP. However, changes to the latitude or longitude will not be accepted and a new NOI will be required. Change to acreage is also not acceptable if the land disturbance has already begun.

BLOCK 2

Indicate whether your site is located on Indian lands. If located solely on Indian lands, you must submit your NOI to EPA for permit coverage. If your site is on both Indian lands and private lands, you will need to break out each area and submit NOIs to both ADEQ and EPA. For more information please see EPA's NPDES Stormwater Information Page at <http://www.epa.gov/region9/water/npdes/stormwater.html>.

ITEM I. OWNER/OPERATOR INFORMATION

Place the name of the contact, the owner/operator business name and address in the blanks provided. The contact name indicated here is the person requesting permit coverage. In many cases, this will be the same person who signs the certification statement in Block 5.

Check the appropriate box to reflect the operator's "business status."

ITEM II. CONSTRUCTION SITE INFORMATION

Identify a name that is consistently used to reference the project under "Project Name." Provide a telephone number, preferably at the site, where a knowledgeable project representative can be reached.

Indicate what type of project the construction is (examples, utility line, road widening, building new school, expansion of an industrial site to add a warehouse, etc.).

If the project is a Master Planned Community or Subdivision, you must identify if state/county subdivision approval under A.A.C. R18-5-402 has been obtained. [Note: even subcontractors must complete this portion.] If it has, check 'yes' and enter the reference number to the state or local approval (book and page #). If it has not, you may still check 'yes' if the plat approval has been obtained. If no approvals have been obtained, check 'no.'

A "larger common plan of development or sale" is:

(1) A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one project plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, the construction activity would still be part of the common plan of development and subject to stormwater permitting requirements if the smaller plots were included on the original site plan. A larger common plan of development or sale also applies to other types of land development such as industrial parks or well fields.

(2) Where there is any documentation or announcement (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, etc.) that links the separate construction activities or project phases together under a common project plan.

Indicate whether the project has or needs other state or federal environmental permits or approvals. This includes Corps 404 permits, air permits, dust permits, etc. Please provide a list of permits and the associated approval numbers. Attach a separate sheet if more room is needed.

Indicate the address of the project. If no address is available, describe the physical location of the site indicating directions for driving to the site using sufficient detail that the site could be reached from the nearest municipality. (Section, range, and township are not appropriate for driving directions – do not provide.)

Specify the city (if within municipal boundaries), county, and zip code for the project site.

Provide an estimate of the earliest start and latest termination dates (through the completion of final stabilization) for your construction project. Specify a month, day, and year. The end date you provide is only an estimate. If your project continues past the estimated end date, there is no need to revise your NOI. Your permit coverage will continue until the permit expires February 28, 2008 or until you file an NOT.

Specify the total acres to be disturbed with the entire construction project to the nearest 1/2 acre. For instance, if the project is a 12-acre golf course, which is part of a 40-acre master planned project, indicate '40 acres' in this blank.

Specify the total acres to be disturbed by your operations (to the nearest 1/2-acre). For instance, if your construction project is a 12-acre golf course, which is part of a 40-acre master planned project, indicate '12 acres' in this blank.

Identify all "non-stormwater discharges" associated with your construction project. Non-stormwater discharges are waste waters or wash waters that will either leave the site, such as flow to the street or enter a "water of the U.S." A water of the U.S. is natural watercourse and some designated canals such as a dry wash, intermittent stream, lake, river, and tributary to the watercourse, either on or off the construction site. Some non-stormwater discharges are allowed under this stormwater permit in accordance with Parts I.C.2 and IV.D.7. Other non-stormwater discharges, such as concrete wash out or equipment wash water, are not authorized under this permit and must be prevented from entering a watercourse or flowing off the site (i.e., "discharged"). For example, construction activities, such as washing out a concrete truck chute, may be performed on the construction site however, "discharge" of the waste water (disposal off the construction site or into a watercourse) is not allowed by this permit. Therefore, these types of wastes (unauthorized non-stormwater discharges) must be contained on site and prevented from entering a watercourse.

ITEM III. DISCHARGE LOCATION

Identify the location that stormwater may discharge or flow off of the construction site. The "discharge location" is generally at a low elevation point at the perimeter of the construction site, or at the point closest to a receiving water. A receiving water is a natural watercourse into which stormwater would flow in a storm event and includes dry washes, streams, tributaries, and other waters of the U.S. (such as designated canals). Man-made structures such as retention basins, storm sewer systems, or city storm drains are not receiving waters.

Provide an accurate latitude and longitude for the discharge location of the construction site. Common tools that you can use to determine latitude and longitude include Global Positioning System (GPS) devices, topographic maps, or internet mapping sites. The SMART NOI on-line system also includes a mapping system to enable you to easily determine latitude and longitude. The latitude and longitude must be reported in degrees, minutes, seconds format. The latitude must have at least six digits. The longitude must have at least seven digits. This information is critical for accurately locating your site, mapping it on state geographic information system environmental maps, and for determining which provisions of this permit may apply.

For linear construction projects (projects which are typically longer than wide and have a basically uniform width) such as roads, utility lines, and pipelines, the latitude and longitude of the discharge location should be provided as follows:

- (1) For a linear project where any portion of the construction site is within 1/4 mile of any impaired or unique receiving water, provide the coordinates closest to that water body.

(2) For a linear project with a single discharge location, provide the coordinates for the discharge location as described in the second paragraph of this Item.

(3) For a linear project with multiple discharge locations, provide the coordinates at the mid-point of the project length.

Specify the closest receiving water(s) adjacent to the site by using a map illustrating water features. If stormwater runoff could discharge to or reach more than one receiving water, list ALL receiving waters. Some receiving waters may be unnamed washes or tributaries, and these must also be indicated on the NOI form as "unnamed." "None" is not an acceptable answer to this question.

Identify whether there is a potential for any discharges from the site to enter a MS4 or privately owned conveyance such as a canal. MS4s include streets gutters, ditches, and flood control channels/structures. Check "yes" if the site is located within or adjacent to an MS4. If you check "yes," identify the name of the system owner (for example: a city, county, irrigation district, or military installation).

ITEM IV. SWPPP STATEMENTS

You must confirm that you have a SWPPP that meets the requirements of this permit, and that you will implement the SWPPP prior to starting construction. This box must be checked as "yes" in order for you to obtain permit coverage. A checklist for completing the SWPPP can be found at <http://azdeq.gov/function/forms/appswater.html#ccp>.

You must also provide the address where the SWPPP is located and can be viewed. This must be on-site or **immediately** accessible to the site. Include the name and telephone number of a contact person that has access to and can provide the SWPPP upon request.

If any part of the project is located within 1/4 mile of an impaired or unique waterbody, you must check "yes" and **enclose a copy of the SWPPP with your NOI**. Your NOI will not be considered complete and you are not eligible for permit coverage until a complete SWPPP as described in Part IV of the permit is submitted.

ITEM V. CERTIFICATION

The operator applying for coverage must sign the certification statement verifying that the information is true and that the operator will comply with the permit. (CAUTION: An unsigned NOI form will prevent authorization of permit coverage.) State statutes and rules provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed and certified by the proper person as follows:

For a corporation: By a responsible corporate officer. A responsible corporate officer means:

a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency is the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

NOTE: Operators cannot delegate the responsibility for signature on an NOI form to consultants, agents, or any other person.



Appendix B-4 Small Construction Notice of Termination (NOT)



NOTICE OF TERMINATION (NOT)
Construction Activity Discharges to Waters of the United States
AZPDES Permit No. AZG2003-001

Submission of this NOT constitutes notice that the party identified on this form is terminating coverage under the AZPDES general permit. Authorization to construction activity discharges to waters of the United States terminates at midnight on the day the NOT is received by ADEQ. To terminate your project, fax or submit a complete and accurate NOT to:

Arizona Department of Environmental Quality
Water Permits Section — Stormwater Program / NOT
1110 West Washington, 5415A-1; Phoenix, Arizona 85007
FAX: (602) 771-4528

I. PERMITTEE INFORMATION

AZPDES Stormwater Construction Authorization Number: AZCON —
Name of Operator on Notice of Intent (NOI): _____
Operator Business: _____ Address: _____
City: _____ State: _____ Zip: _____ Phone: _____

II. CONSTRUCTION SITE INFORMATION

Project/Site Name: _____
Site address or physical location: _____
City: _____ State: _____ Zip: _____ County: _____

Provide the latitude/longitude of the specified on the NOI:

Latitude: |_|_|° |'| |'" . | | | Longitude: |_|_|° |'| |'" . | | |
(Degrees, minutes, seconds) (Degrees, minutes, seconds)

III. REASON FOR TERMINATING COVERAGE: (Check as applicable)

- Final stabilization has been achieved on all portions of the site for which the operator is responsible.
- Another operator has assumed control according to Part VII.K.3 of the permit over all areas of the site that have not been finally stabilized. (To qualify for this condition, ADEQ must receive the new operator's NOI application or the new AZCON # with this NOT submittal.) (AZCON-_____)
- For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.
- The operator has obtained coverage under an alternative AZPDES permit.
List new permit #(s). _____

IV. CERTIFICATION BY AUTHORIZED SIGNATORY (PER PART VII.K.2 OF THE PERMIT)

"I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES or AZPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

Printed Name: _____ Title: _____
Signature: _____ Date: _____
Business Name (if different from above): _____
Address (if different from above): _____
City: _____ State: _____ Zip: _____ Phone: _____



Appendix B-5 Permit Waiver Certification



PERMIT WAIVER CERTIFICATION

AZPDES Permit No. AZG2003-001
 for Construction Activity Discharges to
 Waters of the United States

A COMPLETE AND ACCURATE PERMIT WAIVER CERTIFICATION FORM MUST BE SUBMITTED TO:
 Arizona Department of Environmental Quality; Surface Water Section / Permits Unit / Stormwater Program
 1110 West Washington, 5415A-1; Phoenix, Arizona 85007
 FAX: (602) 771-4528

CHECK AS APPLICABLE: NEW WAIVER _____ REVISED WAIVER _____
 IF A REVISION, PROVIDE CURRENT WAIVER NO. _____

Is the Site Located on Indian
 Country Lands? ___ YES ___ NO

I. OWNER/OPERATOR (Applicant) INFORMATION

Contact Name: _____ Phone: _____
 Operator's Business Name _____
 Operator's Address: _____
 City: _____ State: |__| |__| Zip: _____

BUSINESS STATUS: Federal ___ State ___ Other Public ___ Private ___ Tribal ___ ADOT ___

II. CONSTRUCTION SITE INFORMATION

Project/Site Name: _____ Phone: _____
 Site address (include physical location, if applicable and directions from nearest municipality):

 City: _____ Zip: _____ County: _____
 Latitude: |__| |__|° |__| |__|' |__| |__|" . |__| |__| Longitude: |__| |__| |__|° |__| |__|' |__| |__|" . |__| |__|
 (Degrees, minutes, seconds) (Degrees, minutes, seconds)
 Earliest Project Start Date: _____ Latest Completion (Final Stabilization) Date: _____
 Estimate of total acres (to the nearest 1/2 acre) to be disturbed with the entire construction project: _____
 Estimate of total acres (to the nearest 1/2 acre) to be disturbed by your operations: _____
 Name of receiving water: _____
 Is there a potential for any discharges from the site to enter a municipal separate storm sewer system (MS4), canal, or
 a privately-owned conveyance? YES ___ NO ___
 If yes, enter name of the MS4 or conveyance owner: _____

III. RAINFALL EROSION FACTOR

To qualify for this waiver, the rainfall erosivity factor for the construction site *must be less than five*. You can calculate the erosivity factor by either:

- Using the Arizona "Smart NOI" System at: <http://az.gov/webapp/noi/main.do>, which will determine if you qualify for the Waiver and will automatically calculate the erosivity factor for you, or
- Filling in the worksheet on the next page using the methods in EPA Fact Sheet 3.1.

METHODS IN EPA Fact Sheet 3.1, EPA 833-F-00-014

1. **Erosivity Index # = _____**
Determine your Erosivity Index # by locating your project on the Erosivity Index Zone Map which is found on EPA Fact Sheet 3.1, Figure 1. Projects in Arizona will have an Erosivity Index # between 65 and 71, depending on location. If your project will span two erosivity zones, enter the lowest number for the Erosivity Index #.
2. Using the start and end dates for your project, record the "Value for Start Date" and "Value for End Date" values from the Erosivity Index Table according to the method in "a" or "b" below:
- a. *If your project is scheduled to begin and end during the same calendar year, you will determine values for start and end dates by referencing your Erosivity Index # on the Erosivity Index Table found on EPA Fact Sheet 3.1, Table 1. Match your Erosivity Index # (labeled as "EI#" in the first column on each page of the Erosivity Index Table) to the interval of time during which you expect to begin your project. Intervals are found on the top two rows of each page of the Erosivity Index Table.*

Record the value derived from the table in the blank space below for "Value for Start Date." Repeat this step by matching your Erosivity Index # to the interval of time during which you expect to end construction. Record the value derived from the table in the blank space below for "Value for End Date."

Value for Start Date = _____ Value for End Date = _____

- b. *If your project is scheduled to begin and end over the span of two calendar years, you will determine values for start and end dates by referencing your Erosivity Index # on the Erosivity Index Table found on EPA Fact Sheet 3.1, Table 1. You will do this twice: once for the interval of time between when you start the project and December 31 and again for January 1 through when you end your project.*

Match your Erosivity Index # (labeled as "EI#" in the first column on each page of the Erosivity Index Table) to the interval of time during which you expect to begin your project. Intervals are found on the top two rows of each page of the Erosivity Index Table.

Use the blank space below to record the value derived from the Erosivity Index Table for "Value for Start Date." Then, in the blank space below marked "Value for End Date December 31," record the value derived from the Erosivity Index Table for the interval of Dec 16-31. For the second calendar year, assume a value of zero for "Value for Start Date January 1," then, in the blank space below marked "Value for End Date," record the value derived from the table for the interval of time during which you expect to end construction.

Value for Start Date = _____ Value for Start Date January 1 = 0
Value for End Date December 31 = _____ Value for End Date = _____

3. Determine %EI according to the method in "a" or "b" below: %EI = _____
- a. *If your project is scheduled to begin and end during the same calendar year, determine %EI using the following formula:*
- $$\%EI = \text{Value for End Date} - \text{Value for Start Date}$$
- b. *If your project is scheduled to begin and end over the span of two calendar years, determine %EI using the following formula:*
- $$\%EI = (\text{Value for End Date December 31} - \text{Value for Start Date}) + (\text{Value for End Date} - \text{Value for Start Date January 1})$$

4. **Isoerodent Value = _____**
Determine the Isoerodent Value for your site by locating your project on the Isoerodent Map of Arizona (<http://www.azdeg.gov/environ/water/permits/download/isomap.pdf>). Sites in Arizona will have an Isoerodent Value between 10 and 90.

5. **R Factor = _____**
Determine the R Factor (Annual erosivity value for the scheduled project) using the following formula:

$$R \text{ Factor} = \%EI \times \text{Isoerodent Value}$$

IV. CERTIFICATION BY AUTHORIZED SIGNATORY (See PART VII.K.1 of the general permit)

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

I further certify that construction activity will only occur when the rainfall erosivity factor is less than 5 and that I will operate the project to minimize pollutants in any discharge from the site as provided Part I.E.3 of the permit."

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Business Name: _____

Address: _____

City: _____ State: |__| |__| Zip: _____ Phone: _____



Appendix B-6 Construction SWPPP Checklist

CONSTRUCTION SWPPP CHECKLIST

This optional form is intended to assist the applicant in the preparation of the Stormwater Pollution Prevention Plan (SWPPP). The "Permit Citation" column indicates where the particular requirement can be found in the AZPDES Construction General Permit (CGP). Use the "Location" column to note where the requirement can be found in the SWPPP. In the "OK?" column, indicate whether you think the SWPPP adequately addresses the corresponding requirements. Once this form has been completed, your SWPPP should meet ADEQ's CGP requirements. Although this checklist is intended to reflect ADEQ's requirements for an acceptable SWPPP, all responsibility for a complete SWPPP remains with the permittee. A full description of the required contents of the SWPPP, as well as additional permit requirements, may be found in the CGP at <http://www.adeq.state.az.us/environ/water/permits/download/constgp.pdf>.

The shaded areas are subject headers and are not intended to be filled out. SW = stormwater.

Your SWPPP does not have to follow the format of the checklist. Rather the purpose of this checklist is to ensure that your SWPPP contains all required components.

Sometimes a single section of your SWPPP may address more than one permit requirement. In this event, you may reference the applicable section within your SWPPP instead of repeating the same language in several locations. If your SWPPP does reference other sections, when completing this checklist you may want to provide more than one SWPPP location reference in last column of the checklist. (For example: The Inspections procedures are in Section E.2. of the SWPPP which also references Section B.1. In the "location" column write: Sections E.2. (p. 15) and B.1. (p. 10).)

Permit Citation	Description	OK ?	Location in SWPPP & Notes
Part IV.C.1.	Identify all operators for the project and the areas over which each operator has control		
	PROJECT DESCRIPTION		
Part IV.C.2.	Describe the nature of the construction activity:		
Part IV.C.2.a.	Describe the project and its intended use after NOT is filed		
Part IV.C.2.b.	Describe the intended sequence of disturbance activities		
Part IV.C.2.c.	Indicate the total area of site and estimate of total area expected to be disturbed (include off-site borrow and fill areas)		
Part IV.C.2.d.	Estimate the pre-construction and post-construction runoff coefficient and provide soil data and any existent data on the quality of the discharge		
Part IV.C.2.e.	Include a general location map (e.g. U.S.G.S. quadrangle, portion of a city or county map) showing 1 mile radius around site		

Permit Citation	Description	OK ?	Location in SWPPP & Notes
	SITE MAP		
Part IV.C.3.	Include a legible site map, complete-to-scale, of the entire site. Try to include the following on a single map, but use multiple maps, to the same scale, if needed		
Part IV.C.3.a.	Identify on the map drainage patterns and estimated slopes after grading		
Part IV.C.3.b.	Identify on the map areas of soil disturbance		
	Identify on the map areas not to be disturbed		
Part IV.C.3.c.	Identify on the map locations of structural and nonstructural controls identified in the SWPPP		
Part IV.C.3.d.	Identify on the map locations where stabilization practices are expected to occur		
Part IV.C.3.e.	Identify on the map locations of off-site material, waste, borrow areas, or equipment storage		
Part IV.C.3.f.	Identify on the map locations of all surface water bodies (including wetlands)		
Part IV.C.3.g.	Identify on the map locations where sw is discharged to a surface water (e.g. ephemeral waters or dry washes) and to MS4s		
Part IV.C.3.h.	Identify on the map locations and registration numbers of on-site drywells		
Part IV.C.3.i.	Identify on the map areas where final stabilization has been accomplished and no further construction phase permit requirements apply		
Part IV.C.4.	Identify on the map or in a narrative, the nearest receiving water(s), including ephemeral and intermittent streams, dry sloughs, arroyos. If applicable, identify the areal extent and describe any wetlands near the site that could be disturbed or potentially receive run-off from disturbed areas		
Part IV.C.5.	Identify on the map the location and describe sw or non-sw discharges at the site associated with non-construction activity and other pollutant sources such as fueling operations, asphalt plants, concrete plants		
Part IV.C.6.	Identify on the map and address offsite material storage areas or borrow areas used solely for the project		
	EROSION AND SEDIMENT CONTROLS		
Part IV.D.1.	Describe all pollution control measures (BMPs)		

Permit Citation	Description	OK ?	Location in SWPPP & Notes
Part IV.D.1.	For each major activity, describe the BMP, the general sequence for implementing BMPs, and which operator is responsible for each BMP. Include BMPs used at offsite material storage areas if the storage areas are used solely by the permittee for this project		
Part IV.D.2.a.	Describe the erosion and sediment controls designed to retain sediment on site to the extent practicable		
Part IV.D.2.b.	Describe the selection, installation and maintenance of BMPs per manufacturers' specifications and good engineering practices, including procedures for modifying or replacing BMPs if one is found to be ineffective or installed incorrectly		
Part IV.D.2.c.	Describe the practice and schedule to routinely remove offsite accumulation of sediment routinely		
Part IV.D.3.	Describe good housekeeping procedures to be used (prevent litter, debris and chemicals from being exposed to sw)		
	Stabilization Efforts		
Part IV.D.4.a.	Describe and identify interim and permanent stabilization practices for the site. Document where existing vegetation will be preserved		
Part IV.D.4.b.	Describe when the operator will initiate stabilization procedures in the timeframe provided in the permit, and what stabilization efforts will occur		
Part IV.D.4.c.	Describe record keeping efforts, include forms/checklists used for keeping the required data		
Part IV.D.4.c.i.	Maintain records of the dates when major grading activities occurred		
Part IV.D.4.c.ii.	Maintain records of when construction activities cease (temporarily or permanently)		
Part IV.D.4.c.iii.	Maintain records of when stabilization is initiated and completed and any reason for delays		
Part IV.D.5.	Describe structural practices used to divert flows from exposed soils, store flows and limit runoff and the discharge of pollutants from exposed areas to degree attainable. (Combination of sediment and erosion controls must be used)		
	If any structural controls are used in the floodplain, the SWPPP should document why effective controls could not alternatively be placed outside of the floodplain		
Part IV.D.5.a.i	Describe the location, size and retention capacity of the drainage basin(s) and the areas that drain into them		

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	For a drainage area of ≥ 10 disturbed acres, describe how and where a basin with storage for a 2yr, 24hr storm per disturbed acre drained will be used OR		
	Describe how and where a basin with 3600 ft ³ of storage per disturbed acre drained will be used OR		
	If a sediment basin is not attainable, then provide explanation within SWPPP		
	If basins are not used due to public safety concerns, describe the concerns and the alternative sediment controls to be used		
Part IV.D.5.a.ii.	For a drainage area of ≥ 10 disturbed acres that can't meet size specified in Part IV.D.5.a.i, describe the smaller sediment basins and/or sediment traps to be used		
	For a drainage area of ≥ 10 disturbed acres where sediment basin isn't attainable, describe how and where silt fences, vegetative buffer strips, or alternatives will be used on all side slope boundaries		
Part IV.D.5.a.iii.	For a drainage area of < 10 disturbed acres, describe how and where smaller sediment basins or sediment traps are used along with silt fences, vegetative buffer strips, or alternatives on all side slope boundaries OR		
	Describe how and where a sediment basin with storage for a 2yr, 24hr storm per disturbed acre drained will be used OR		
	Describe how and where a sediment basin with 3600 ft ³ of storage per disturbed acre drained will be used		
Part IV.D.5.b	Describe where and what type of velocity dissipation devices will be used at discharge locations and along outfall channel		
Part IV.D.6.	Describe post-construction sw management measures, if applicable		
	Describe where and what structural measures were placed in upland soils to the degree attainable		
	Confirm in the narrative whether structural measures comply with local or state sw management requirements		
Part IV.D.7.	Identify all allowable sources of non-sw discharges except for flows from fire-fighting activities		
	Describe how all non-sw discharges will be eliminated or reduced to the extent feasible		
	Describe how BMPs will be implemented for non-sw discharges		

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	If superchlorinated wastewaters will be generated, describe how they will be dechlorinated or held on site until chlorine levels have dissipated, unless used for firefighting		
Part IV.D.8.a.	Describe measures to be used to prevent discharge of solid materials to waters of U.S.		
Part IV.D.8.b.	Describe measures to be used to minimize off-site vehicle tracking of sediments and the generation of on-site dust		
Part IV.D.8.c.	Describe the location and type of all construction and waste materials stored on site (Update SWPPP as necessary)		
Part IV.D.8.c.	Describe controls to be used to reduce pollutants from construction and waste materials stored on-site (including storage practices, and spill prevention and response practices)		
Part IV.D.8.d.	Describe pollutant sources from areas other than construction (including sw discharges from dedicated asphalt plants and concrete plants)		
	Describe controls and measures to be used to minimize the discharge of pollutants from those sources		
Part IV.D.8.e.	Describe measures to be used to sufficiently stabilize soil at culvert locations		
	MAINTENANCE OF CONTROLS		
Part IV.E.1.	Describe procedure and activities to be used to maintain all erosion and sediment controls and other protective measures in effective operating condition		
	Describe procedures and activities to be used to maintain BMPs as soon as possible, if site inspections identify BMPs are not operating effectively		
Part IV.E.2.	Describe procedures and activities to be used to modify or add BMPs before next storm event, if necessary or as soon as practicable		
Part IV.E.3.	Describe procedures and activities to be used to remove sediment from traps or ponds when design capacity is reduced by 50%		
	AZPDES PERMIT AND OTHER SOIL AND EROSION CONTROL REQUIREMENTS		
Part IV.F.	Include copy of AZPDES permit (AZG2003-001), NOI and ADEQ authorization as part of the SWPPP		

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	Include other agreements with any state, local or federal agencies that affect the provisions or implementation of the SWPPP		
Part IV.G.	Describe whether SWPPP is consistent with federal, state, or local soil and erosion control or sw management requirements		
	INSPECTIONS		
Part IV.H.1.	Describe routine inspection schedule and procedures to ensure BMPs are functional and SWPPP is being implemented		
	Indicate if the inspection frequency is to be at least once every 7 calendar days OR		
	Indicate if the inspection frequency is to be at least once every 14 days and also within 24 hours of the end of each storm event of ≥ 0.5 inches		
Part IV.H.2.	If the site is eligible for reduced inspection frequency indicate why it is eligible and how it will be inspected once each month AND anytime rain is predicted AND within 24 hours of the end of a storm event of ≥ 0.5 inches		
Part IV.H.3.	Indicate who the qualified personnel will be to perform inspections and describe the persons' qualifications		
Part IV.H.4.	Describe all areas to be inspected including all disturbed areas of site, and areas used to store materials exposed to precipitation		
	Describe inspection procedures how inspectors will look for evidence of, or potential for, pollutants entering drainage system		
	Describe in inspection procedures how inspectors will observe sedimentation and erosion control measures		
	Describe inspection procedures and how inspectors will look at accessible discharge points, and ascertain whether erosion control measures are effective		
	Describe in inspection procedures how inspectors will look at nearby stream downstream locations when discharge points are inaccessible		
	Describe in inspection procedures how inspectors will look for sediment tracking at entrances and exits		
	Describe how inspectors will document all findings and what the inspection form will look like		

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Part IV.H.5.	Describe how inspectors will complete an inspection report for each inspection that includes inspection date; name, title and qualifications of each qualified person making the inspection; weather information for period since last inspection; location of discharges of sediment or other pollutants; list of BMPs that need to be maintained, failed to operate or prove inadequate; list of additional needed BMPs; corrective actions required; sources of all non-sw and control measures; and materials storage areas with evidence of pollutant discharge		
Part IV.H.6.	Describe how and where the inspection records will be maintained for at least three years; how the report will document noncompliance or certify full compliance; and indicate who will be authorized to sign the report		
Part IV.H.7.	Describe how the SWPPP will be modified when needed, within 7 calendar days of inspection. BMPs must be modified or added before next storm event or as soon as practicable		
MODIFICATIONS TO SWPPP			
Part IV.I.1.	Describe how the SWPPP will be modified within 15 business days after change in design, construction, operation or maintenance at site that has a significant effect on discharge or not previously addressed in SWPPP		
Part IV.I.2.	Describe how the SWPPP will be modified within 15 business days if it is determined that discharge is causing or contributing to WQ exceedances OR SWPPP is ineffective		
SIGNATURES AND NOTICE OF SWPPP			
Part IV.J.1.	The Operator must sign the SWPPP		
	Describe how and where a copy of the SWPPP will be retained on site. A copy is to be submitted to ADEQ with the NOI if the site is within 1/4 mile of a Unique or impaired waters.		
Part IV.J.2.	Describe how and where the operator will post a sign at main entrance to site containing: AZPDES authorization number (or copy of NOI authorization), construction site contact name and telephone number, brief project description, location of SWPPP if the site is inactive or does not have an on-site storage location		